TECHE
UDINE

MANOSCRITTI

FONDO PRINCIPALE

Manoscritto n. **P_MSS_1065**

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[illegible] . S. A. N.
Codice del sec. XV.
Giurisprudenza

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Codice di Giurisprudenza del sec. XV, adespota –

Solet argumenti [illegible] longe [illegible] leges [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod sit compositionis [illegible] gentium [illegible] [illegible] solum [illegible] et sensum [illegible] [illegible] [illegible] [illegible] est [illegible] [illegible] ff. [illegible]

Cum [illegible] [illegible] [illegible] loquitur et [illegible] in [illegible] publica [illegible] [illegible] [illegible] omnium [illegible] intellectum [illegible] [illegible] et [illegible] [illegible] [illegible] aliquid [illegible] [illegible] [illegible] [illegible]

Compillator etiam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] publica [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] finit [illegible] [illegible] quae tamen [illegible] cognoscimus [illegible] [illegible] et experientia [illegible] melius notum [illegible] [illegible] de [illegible] et [illegible] [illegible] [illegible] iudic. [illegible]

¶ Ceterum [illegible] in [illegible] [illegible] in pluribus [illegible] expediat in [illegible] [illegible] [illegible] officio [illegible] habilitatem [illegible] [illegible] intellectus [illegible] [illegible] [illegible] dirigi et formari ¶ [illegible] [illegible] [illegible] quolibet [illegible] [illegible] et [illegible] qualis [illegible] [illegible] in quolibet [illegible] [illegible] [illegible] [illegible]

Est enim [illegible] parum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

te[illegible] comparatur intelligentia [illegible]tiossimus memoria re[illegible]. Demum cum in quibuslibet homi-num negociis super quibus legitime ordinan-dis tabellionatus usus est officium duo con-siderentur, videlicet ius et formam nec-[illegible] huius artis [illegible] hec duo [illegible] dili-genti [illegible] videlicet ius in artis noticiam, formam vero in exercitii promptitudine [illegible] et sine quibus duobus [illegible] est qui se asserunt in notaria peritum. Unde in bono tabellione utrumque miscendum est et ex utroque quedam perfectio facienda est ne sine arte vel ut actus [illegible] et sine operationis industria infructuosus consistat. Secundo [illegible] loco illius rei de qua agitur [illegible] dicetur, ut experiens invenietur arti nostre.

Quarto propter exercitium habendum in promptu inseri forma cuiuslibet [illegible] commode distinctione rerum propria et capitula. Sicut certi [illegible] diversis plurimisque formis aliis que ex in isto textus inve-niuntur posse [illegible].

Quinto autem et ultimo si qua in textu dictio apparebit ambigua per glosse beneficium patefiet.

Demum quia rebus nomina consequentia esse debent, ut in instit. de donat. § est et aliud, intitulo hunc librum propter rationis effectum [illegible] aurora, eo quod sicut hec [illegible] ignorantie tenebras fugat et ad eius [illegible] mane [illegible] diurni [illegible] splendoris adventum. Unde [illegible] [illegible] tenebras [illegible] repellit.

Nascitur [illegible] [illegible]

[illegible] [illegible]

Liber iste [illegible] summa generalis [illegible] tabellionatus [illegible] [illegible]

[illegible] denunciatione vocabuli datur intelligi quod summa artis ista i. artis precepta comprehen-dit et colligit et sic nomen est consequens rei quia summa dicitur ex eo quod summatim artem istam comprehendit, sic in instit. de donat. § est et aliud.

Est enim ars collectio pre-ceptorum ad unum finem tendentium. Hec [illegible] ars lucerna non sub medio latens sed super candelabro rutillanti fulgore coruscans [illegible] tabellionatus plene [illegible] qui in artis exercitium introducit, per quod omne artificium suscipit incrementum. ut ff. de l. iii. l. legatum. § ornamentis. Inprimis enim capite supponitur invocatio nominis domini nostri yhesu christi iuxta illud Pauli ad Collosenses: Omne quodcumque facitis in verbo aut in opere totum in nomine yhesu. Et Iustinianus sanctissimus imperator dicit: In nomine domini nostri yhesu christi ad omnes actus omniaque consilia procedendum, ut C. de offi. pre. affrice l. in nomine domini.

Deinde in rationibus sequentibus subinfertur [illegible] fide in carnationis [illegible] domini nostri qui caput est totius sancte reli-gionis [illegible] confidenti [illegible] per fidei speculum aspicimus in nostra natura divine maiestatis elevatam super omnia implere cuncta replere regere ac disponere [illegible].

Signatur [illegible] Beato Ieronimo sic dicente: Nec quicquid fiat nisi oratione premissa.

Postmodum vero sequitur libri prohemium dictum i. prologus quod est primum et [illegible] quasi primus libri ornatus. Quod prohemium per quattuor partes constat esse divisum.

[illegible] quidem expediente in nonnullis libri et necessariam [illegible] que notare in libro opor-tet. Cum enim precedenti [illegible] [illegible] quedam summe [illegible] tabellionatus [illegible] mores et [illegible] illius temporis per quos [illegible] [illegible] prudentes et fideles

fuerint non providerunt nec providere potuerint [sue] mentis sagacitates propter conscientie puritatem quia nichil peccavit antiquitas causa decti sunt in sua ut C. de testib. l. iubemus nisi. Cum quasi pueriliter nostra perspicacitas quia quo in moribus tanto perspicaciores efficimur secundum novos et subtiliores mores. quia natura semper novas deproperat edere formas ut C. de vet. iur. enu. l. ij. §. si quando nunc. et omnia nova sub pulcritudine decorata. ut in prohemio ff. §. sed cum anno oportuit ut amissa illa antiqua forma non tamen immutata set que non consuetudini non coheret extraneum in scriptis nunc nobis nostri temporis illa forma quam presens imitatur etas quam quidem ex antiquis traditionibus colligere non poterant. cum ille partis ut dictum est sint valde diverse. Secunda que incipit ibi. Igitur cum forma sit dicit communem quod in divinis mentis hoc opus confitetur. hec sunt in suis quorundam [illegible] amicorum dicentium formam qua utuntur tabelliones nostri temporis scire non possumus nisi post longa exercitia et longam experientiam diversorum negociorum. Tertium si tamquam hanc formam diu exhausti qui nichil fere omnino sit in civitatibus intemptatum eam nobis nisi per eis tradendo subtiliter ad artis exercitium transmittemus unde rogamus quatenus pro nobis et aliis sequentibus huic labori assumas et sic ad hoc [illegible] vit. Tertia que incipit ibi. Vere quia et cetera. In hac deinde supplicatur et quasi [illegible] correctionis habet. i. qui corrigere sciunt et nolunt ut ex caritate ac utilitate legentium corrigat non ex in[illegible] que [illegible] undeunde unum sit et cum illo sunt proprio pungit auctorem et lividum reddit. unde ipsa pessimum livorem appellatur. Sed at invidia valde occultare se satagit et sub velamine pallium et ornamentum prudentie

tie nomen imponit ut quod ex invidia fit prudentia fieri videatur ut sic ipse inveniatur in testi prudens enim vir vera non aliena colligere. Quarta vero et ultima que est ibi. Ecce ex opusculum hic et cetera. librum optimum in tradit simplicibus vel opusculum dulce ac leve et per eius dictum sicut puerilis est secundum apostolum lac debet exhiberi non esca. nichilhominus etiam convenientiam perfectis quibus et si prodesse similiter non possit quam est perfectorum solidus cibus eius tamen potentie non obest nam plerumque ut lactis dulcedine delectatur. Sic ergo lector si ea que dicta sunt prudenter attendis satis aperte colligere potes que sit huius libri materia que intentio et que utilitas sive finis cui parti philosophie supponatur. quia huius materia sunt materialia causa et ipsius fundamentum artis notarie theorica et practica. Intentio vero est specialis et propria videlicet ut maiores dignitatis et defectivas antiqui temporis formas abiciat et novas et subtiliores certas in me superinducat et doceat. et hoc colligi potest in prima parte prohemii. Utilitas sive finis magis quia ad exercitium artis tota huius libri cognitionem subtilitate pervenisse ut supra parte prohemii dictum est. Supponitur autem ethice [illegible]. i. morali quia docet qualiter mores et voluntates hominum accientes scripturis disponuntur. In ultima parte prohemii dicitur quod opus istud per x capitula partitum est. Vere quia liber intendit artis notarie tractare doctrinam. primo intendendum est que sunt illa in quibus ars ista insistit et circa que versatur. omnia in primis per capitula continentur. Vere est autem quod tria sunt in quibus ars ista tota consistit [illegible] scilicet ultime voluntates et iudicia. hiis tribus partes libri decenter plene tale [illegible] [illegible] prima videlicet contractus velud excellentiorem et

[illegible]

vigniore pmittit. quia vigniora sunt pferen
da. ut ff. de ac. empto. l. [illegible] ipsum in vii pmi
capitulis ordinate describit. In nonoque
cap. nimchiet illos contractus et instrumenta ponen
doque ardent cursum et formam huius ofinu
lem et se ad invicem refferre ordine et natura.
secundum partem .s. ultimas voluntates in viii
capitulo locat. Terciam partem .i. iudicia or
dinat et disponit in nono, et sic arte tota
in nove primis capitulis ophendit. Decimum
vero et ultimum capitulum [illegible] notarie
[illegible] et stili non desit quidam generale doc
[illegible] refectionibus intelliget et explicat
[illegible] sepcitur que in qualibet parte talelli
oriatius officii locum habet. Agit in ē septem
capitula. Sed unum istud ē primum super quo nitten
dum ē que sint illa de quibus intendit. et
in quot partes dividit et disponit et in
tendit et hoc capitulum put dicat littera te
stiue. Incipit primum capitulum etc. illa
describere instrumenta que fieri solent super dationibus
rerum mobilium et sicut [illegible] hoc ibo dati
onis licet in ppria et stricta significatione dic
[illegible] vienus sicut. ut in instit. de act. §
sic itaque. et ff. de u. o. ubi at no apud [illegible]
[illegible] ubi in dationes hoc ponit
generali conphendens omnem modum per quem
alienatur vel conceditur hoc ubi nam quia aliena
[illegible] alienare concedit quomodo alie
[illegible] quod non [illegible] ponit in illa [illegible]
[illegible] dominium dat. Est enim [illegible]
[illegible] dominium [illegible]
[illegible] illa [illegible]
la possessio conceditur [illegible]
[illegible] instrumentum ponit non dationes illas que que
[illegible] ut aliis vel enim [illegible] solent .s. exemplo
[illegible] venditionis permutacionis vel datio in
in solutum donationis inter [illegible] accessionis
[illegible] accessionis in feudum
[illegible] et cum [illegible]
[illegible] instrumentum habent ratio
[illegible] capitulo [illegible]

ad formam similia et similibus fere [illegible]
partibus ordinatum [illegible] eam [illegible]
que etiam donationibus [illegible]. [illegible]
[illegible] omnes [illegible] prima enim [illegible]
ponit instrumenta super dationibus rerum mobilium et [illegible]
[illegible] mobilium [illegible] que incipit [illegible]
ergo ut [illegible] de [illegible] et vendi
tionibus et [illegible] immobilium etc. ponit instrumenta
dationibus in solutum rerum mobilium [illegible]
[illegible] de diversis [illegible]
mobiles [illegible] premisit [illegible] venditionis
et [illegible] merito quia alios sequitur [illegible]
et exemplar. Et [illegible] instrumenta huius capituli
confirmantur et [illegible]. Instrum. ante Rubrica

Licet cuiuslibet instrumenti due sint partes
.s. publicationes et negociatio
nes. et licet publicationes in principio
ponantur et in fine huius instrumenti ponantur. lib
[illegible] de publicationibus non in
tendit principaliter quia de hiis [illegible]
de notulis plene. Subiecta de instrumentis [illegible]
hic [illegible] scribit eas [illegible]
[illegible] in principio et [illegible] in fine.
Intendit de [illegible] capitulis de [illegible]
[illegible] negocia et actus qui
fiunt ex consensu [illegible] consensu
[illegible] ut in isto de emp. et vend.
in [illegible] instrumentis [illegible]
[illegible] lib de instrumentis et vendi
tionis et [illegible] premisit in
[illegible] et [illegible] venditionem [illegible]
[illegible] intendit. Videndum [illegible] quid
[illegible] et quid [illegible] Et que sit [illegible]
[illegible] in quot et quas partes dividatur
[illegible]. Est autem [illegible] argu
mentum [illegible] et venditionis [illegible] ut
in [illegible] de empt. et vend. [illegible] quia
[illegible] et [illegible]
[illegible] Bene potest enim [illegible]
venditio [illegible] quia [illegible]
[illegible] quia [illegible] conven
tio nichil [illegible] possit [illegible]

[illegible] Antonius [illegible] quam [illegible] venditio [illegible]
[illegible]

Consat mihi Antonius [illegible] ex una parte [illegible] ex altera [illegible]
a [illegible] Anterii [illegible] quandam petiam terre sitam in tali loco in tales [illegible]
cos [illegible] pro [illegible] L. libr. bon. [illegible]
[illegible] Antonio [illegible] testibus [illegible] solvere
[illegible] x. libr. bon. [illegible]
[illegible] libr. [illegible]
[illegible] duplici [illegible]
[illegible] bonorum obligatione. [illegible]
[illegible]
[illegible] Antonio [illegible] emptionalis dabit et solvet ipsi Antonio [illegible]
[illegible] libr. bon. [illegible] omnia et singula [illegible] ut in testes [illegible]
Ad. [illegible] Vinola [illegible]

[illegible]

bini de precio quenisse ut ff. de [illegible]

empti. et uendi. [illegible]

[illegible]

nichilhominus tamen potest [illegible] empti et

uendendi [illegible] licet penitent. pena inan

tur arrarum. Nisi illa que arraz datur e nomine lo

co precij [illegible]

[illegible]

solomodo tantum esset. ut ista probant. C. quando l

icet ab empti recedere. l. ij. et in [illegible]

l. contractus. C. de fideiussor. [illegible]

re enim non pena sed pignora dicitur. ¶ Se

ponitur enim arrarum datio. [illegible]

pro de emptionis et uenditionis [illegible]

[illegible]

[illegible]

[illegible]

et arras duplum restituere compellitur. C. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et in estimatione [illegible]

[illegible]

nem. l. mue de pa. ¶ Nunc de partibus [illegible]

[illegible]

consimille. non per capitula. [illegible]

[illegible] una pars alteri se obligat et e

[illegible] si non uult incidere in duos. l. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] et diligenter sibi caueat [illegible]

[illegible]

[illegible]

[illegible] mutua obligatione [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

mutič epo. Ab arte ut Rollandinus
not. plerumq et nomen loci supaddit ut
Johes de castrofrancho. ¶ Item nota q
quelibet pria lrã cuiuslibet ppri nois. psone l'
loci. semp grossior ẽ scribenda. et puto
ual de melius ut nomen pprium nõ abreuia
re set extense scribat. Nisi illa forte .ib
uius esset aplacissima consuetudine co
gnita ut Johes. Quid fuit nomẽ pprium
ul' gentile. et adiūgatur dignitati te
porali. tunc est in genitiuo plurali po
nendu ut Ser francho pet bon. Si nõ
adiūgatur dignitati. tunc debet in suo
[illegible] in antecedentibus concordar
[illegible] et sic dsin
[illegible] p se et suos heredes ¶ Quod
[illegible] in capi
[illegible] ullo de ultimis uolūtatib' Rubrica
de heredum instituc. tā in textu q in glosa
requitas. Hic tñ no qd licet in stip obli
[illegible] psonis ale
[illegible]
[illegible] transeunt in heredes et si de heredi
bus nulla mentio heat. Quie enī pactum
psonae [illegible] nisi spali actu sit qd psone
cohereat nõ extendat. ut ff. de pcis. uitis ge
nium. §. pretor ¶ Et p pacta psumentur
quisq sibi et heredibus puidere sicut sibi. nisi
[illegible] ut ff. de pactis. l. pacti. §.
Set tabelliones ex quadā aplacet psuetudin
[illegible] et stipulatiōib' solu
unt de heredibus mentionẽ. qz plerq [illegible]
[illegible]
solent tamen ex psba [illegible] ut ff. manda
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

tantũ in capitulo de iudiciis Rubrica
de exceptionib' stipullanti. i. interroga
to et pmissionem recipienti. Nam stip p
interrogatiōe ponit. instituit. q mõ tollit
oblig §. [illegible] cũ illa sibi sollempnitas
q stipullatione facit consistit in eõ tantũ p
cedenti interrogatiōe debitoris sequitur uel ea
i. pcisa responsionẽ. Est enī stipullatio d
borũ conceptio quibus is qui interrogatur
datur factur' se qd interrogatus e spondet.
ut ff. de u. ob. l. §. stipullatio. Set
de stipulat dicā et apius in uerices inst
tantu de notulis Rubrica de oblig. dare
et uende et tradere ¶ Hic sic expõito isto
rum trium [illegible] et al qd dicit
unus pprio sup sequentibus dictibus quā
[illegible] stabit. [illegible] et fidemus
[illegible] de fidemissore a. uenditore
[illegible] notam hos in fine li
[illegible] sup q hec huius uerbi expõitionẽ
[illegible] ¶ Nota qd reg i
mobiles uenditione uel alienate debemus d
bent in instrõ p qualitates quantitates
loca et latõ. et hoc colli [illegible] ff. decen. l. [illegible]
Locus en duplex appoi sol. scõ specialis hoc mo
[illegible] loco. i. ciuitate castro uel uil
la uel curia uel pertinentiis castri uille. i loco q
[illegible]. Latõ uõ siue ofin ecia ponẽ
[illegible] quia urbanis pdiis nõ dicantur
confin [illegible] appoñi. q illa nõ [illegible]
[illegible] ut ff. [illegible] l. [illegible]
[illegible] cum dicit que adeo e
[illegible] nullus medius pariete intelua
[illegible]. Ceterum urbana pdiis
[illegible] ut ff. [illegible] l. [illegible]
[illegible] rustica sola pars [illegible]
[illegible] l. [illegible] §. [illegible]
[illegible]. Set quis sit urbana et que rustica n
hic [illegible] sup in isto [illegible]
[illegible] qd tabelliones
[illegible] rustica et ii
[illegible] apponit. [illegible]
fines uel possitione [illegible] ¶ Quidam
[illegible]

Et carta uenditionis facta ut
[illegible] ff. [illegible]
primo si uenditor nõ pmisit p
petim nung teneat. Sõ nū
quo [illegible] tenea. Ad
[illegible] si nõ pmi
sit p petim. tenetur ei facere
cartam uen. et pot argui p
utraq pte. et pmo argue
q nõ [illegible] uenditor tenet
emptori [illegible]
ul' [illegible] ut ff [illegible]
[illegible] l. paul.
§. paulus [illegible]. Sz facere
cartam uenditionis [illegible]
contractus emptionis [illegible]
[illegible] teneā
d' [illegible]
pmisionis [illegible]
Igit' carta uenditionis ei facere
nõ tenet. In õtrariu ar
guit' [illegible] uenditor [illegible]
emptori facere [illegible]
et ipi uenditori nõ nocuit
[illegible] ff. [illegible] l. [illegible]
ff. d' rei uendicatõe. l. [illegible]
i fundo. Sz carta uenditionis
facere hoc nõ nocet uenditori
et pdest emptori. g cartam
facere tenebit' [illegible]

Ad. vni pet. Et sic no. sup pos q uenditores [illegible] minos siue fines agri dr. cu semp tenet. Et posset si uellet dice t[er]minos fini [illegible] uicinor ut uen [illegible] ...

di. s. a. plaga orientali occidentali meridi oli. et septentrionali. a. p[ri]ma hoc mo ab oriente. siue ab ortu solis. ul' a. mane possidet talis. a. s[ecund]a dicunt ab occidente [siue a s[ecund]a] ul' solis occasu. ul' a. s[ecund]o possidet talis. a tercia dicat a. meridie tal'. a. quarta dicunt a septentrione possidet talis ul' e[st] uia. ul' fuit riuus. Si iste modus no placet m[ihi] ... longe oium p[ri]orum lateras has quatuor ... mundi ptes directo respiciunt. abi[n]de ... no sicut [illegible] tutiore [tenet] reddunt has te nent dicentes ab uno late possidet tal'. a. s[ecund]o talis. a. t[er]tio et quarto tal'. Ass[i]gnacedunt aut ... determinatione hui[us] rei quantitas et qualitas rei ut dicat. ut dicat quale p[re]dium e[st] urbanu[m] ul' rusticu[m]. et si urbanu[m] utru[m] domus ul' turris. et si rusticu[m] utr[u]m aratoriu[m]. i. q[uod] arat' ul' colit' et aptat' ad fruge[m] an ca stanetum. p[re]tum ul' buschiuum. Et [ut] exprimatur quantitas ul' mensura. ut uidelicet assat uenditor iugera siue co[n]tinat [iugera] siue illius mensure que fuat in regione illi. [bi] Sup hoc no. q[uo]d si uenditio [illegible] hat. ro mensure uidelicet q[uod] exp[ri]mat[ur] q[uan]titas ul' mensura rei diminu[tur] [ita] p[re]cii p[ro] mo iugeru[m] que dest. ut ff. de act. empt. et uen. l. si fund. § 1 q[uo]d intelligo si pcii p singulis iugeribus statutu[m]. Cetum [illegible] debat. uenditu[m] fuit eode[m] p[re]cio. [illegible] uenditor. totu[m] illu[m] fundum [illegible] iugera uendo l. p. 6 lib. [illegible] ue[n]ditu[m] ee cot iugera ... [illegible]

Ite si minus in qualitate [illegible] tur uenditor uendo obl[igatur] [illegible] iugera. ut que ff. hec [illegible] ... et p[ro] mod no ... iugera uineata ut di[c]. q[ue] hic [illegible] bon[a] ... ut ff de act. empt. l. si in qualitate. et l. si fundo uendito. et l. si. ... et ff de emi. si fundo [illegible] ... minuit p[re]cii. ut [illegible] ...

est. et eo si plura reperiant[ur] iugera q[uam] dictum sit addet[ur] pciu p rata. quia eade[m] debet ee ro[ne] ... ar. ff. de l. in. in si. l. ultime. set ita de uite sit cu[m] n[on] e[st] in utille in hoc [contra]ctu exp[ri]mere. uidelicet si plus ul' minus reperia tur res quantitate [illegible] addat[ur] ul' mi nuat[ur] p[re]ciu p rata. Et hic attende q[uod] si fun do uendito [contra]cta sunt litora. aut uie pu blice ul' limites siu ... i. nemora publi ca. licet [illegible] ad co[m]modu[m] emptoris p[er]tineant no tn cedit eis in mensura[m]. q[uia] no p[ro] uendi tis emptori computant[ur]. ut ff. de [act]. empt. et uen. l. litora. ul'. i. hec spalit actu[m] sit. s. q[uo]d cedant in mensura[m]. ut ff. de pe[ri]clo et com[m]odo rei uendite. l. id q. § 1. p[er] [illegible]

Hic non po[nitur] quantitas ista ut ... p[re]cium. set quia futuru[m] e[st] p[re]ciu rei n[on] uendi te set uendende. un[de] hic ag[itur] q[uod] pro tanto p[re] tio debet fieri uenditio et addit[ur] quinq[ue] ... mo ad quem debet fieri uenditio. Ite q[uod] fa ciet et curabit ita. et c. et conuenit[ur] p[ro]mi tur ibi illa q[uod] faciet et curabit et c. si e[st] uenditor pot directo p[ro]mittere q[uod] alius con sentiet qui h[abe]t ius i re. q[uod] sic p[ro]mittet fac tum alienu[m] q[uod] p[ro]mittendo nemo obligat[ur] ut ff. de u. ob. l. stip[ulatio] ista. in p[ri]n. et l. ... stipulanti ... p[ro]mittat ue ... se facturu[m] et curaturu[m] q[uo]d alius co[n] sentiet qui h[abe]t ius [illegible] ... obli gat[ur]. ut ff. [illegible] l. si [illegible] ... stip. § si quis aliu[m] et hic. ... [illegible]

[illegible] ... et alii qui nat ... opponit[ur] q[uod] ... uenditor ... et similiter ... p[ro]mittet ... sibi ... uenditor si ea ... p[ro]mittit ... [illegible] ... [illegible]

Item de euictōe siue fideiussōe cauē ut res malea uendita sit. quia tunc nō tenetur cauē. ut ff. quar rez ac nō dat. l. ij. §. si malea. fideiussorem aūt dare nō tenet uendi. li ut. ff. de euic. l. emptori dupla in pn et l. ulti. qr. Secundo que sunt accidentalia siue cōnea cōtus nō tenet face ul pmitte uendicor. si p uirtute pcā et quentatois pce dentis. Hoc uel simile ūbum in tbz locis hui instri ponit. sup quo sciendū ē q qlicūq uenditor. ul aliē de ōhentibus pacisca aliq face ad sensū alteri ōhentis. ea tn face tenet que de iure fieri debent super illo cōtū. pōt sapiens alterius ōhentis arbitrari uel dicē aliquod fieri. nisi q ius et lex papit. q si transsigit dicet metas et ordines suos aut eē ul defineē eē sapiens. Inuenimus enī qd si q aliq accidentale ut cōnecti uendictionis a. aliqd uel aliq pcz q. nō sit de nā ul sba cōtus confert i arbitrū unī ex ōhentibz siū alteri cuiuscūq et ille nullomō arbitretur uel arbitret. sed recurrit ad boni uiri .i. indicis arbitrium ut ff. de ōhen. epā et uen. l. si. uendictio sicut ē hic qn pmittit uenditor face qcquid uel aliquis alius consenciet ul in uendictionē poni pmittit de aliqua forma facienda. ut de libro scribendo siue de alio simili [illegible] uenditionis. Secundo [illegible] uendictione ul alio cōtu. pmitto ē p [illegible] [illegible] [illegible] ut ff. de [illegible] [illegible] ergo. §. [illegible] Et hec pmisse et fecit scē an. et c. [illegible] Incipit sca pars huius cōtus in qua ponitē pcā eius. sicut emptoris. Et ponitē hic duo unū. s. qd facit dictus emptor. quia gneratē illā soluit [illegible] nomie et p parte [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pmiss minima [illegible]

gatio inē eos formatis ex et eq̄li uinculo pacie et refectionis dampnoz et expēn et obligatonis bonoz uenūsq partis. Competens enī modo uinculi in hui9 fuet equalitas. ne unus aut claudicare cōtus. Contractus enī claudicare non debet. ut ff. d arbitr. l. licet tutores in fi. et de acc. epcē a. uin l. ul. §. siquis colludente. Sed uidet q si casus supstanti si pena apponē. cū sit casus sit eū qui ōuenit punire in actio. ul pena tacite actum fuisse ut [illegible] ēē [illegible] admissione ul dispensatione contempte. sed q dicit q utraq pena exigi possit. s. pena arrae pmāa cōtē arrap. et si pena conuictionalis pp e uirtute ōuentionis stipulatte. Nā pena ōuenctionalis quantacūq sit exigi possit. Preterea multa pcā ex pte ōuentionis sunt apposita in hoc cōtū. ad q singla illa pena ōuencionalis referē. ex rigore illoz ūboz q omnia et singla et c. de in fec nō pōt dici. q opitemur in hiis penis. uerū si excessiue q̄ntates illaz penaz forte qd plus sunt exigeē. si aūt infra subsistit nō exigeē. quia hee pene ōputabunē in inē ut dicet e. D. Set quia de penis spālis tractatus hētur in notul sub titl de pcā. id circo q si sup hac matia dē est [illegible] de eo do. uitellianz dicet. de intē cū plenius tractabitur sup instro. Item [illegible] bonoz sup ōsenū [illegible] [illegible] et in pluribus aliis locis sume tradet. Et nō quia ē d fideiussore dandore. [illegible] notule uendito nō [illegible] [illegible] [illegible] [illegible] [illegible] Hoc in fillit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] emptor nō tenet uenditori dare pcā. ni ipē uenditor ei fideiussore [illegible] [illegible] tionis noie offerat. ut ff. [illegible] q. q. uenditore. l. pls. §. [illegible] C. de euic. si pe [illegible] [illegible] [illegible] [illegible] [illegible] qn res ē tradita et pcā ē solutū. quam [illegible] ē [illegible] sicut [illegible] ē [illegible] in [illegible] Sicut uenditor [illegible]

Ad eo qd iterest ul' ut alia psona no min' ydoneam finiubente pstez sicut et cui ipoito qm moni decessit p qui dare pm
[illegible] ut ff. [illegible] pec. l. q aut. [illegible] forem pacitus est dare. tenetur sic in con
stituta pecunia. quia si constituo me ti
[illegible] cessaturum probito p me ul' p alio tenet co
stitutio. et liberantur pignora ul fideiusso
res ydoneos. ut ff. de osti. pe. l. promissor. §
fi. ¶ Si no cui psona (con)stituit in me aun
rum firemebente teneor. que si ipa fide
iubere nollet. li ser si illa decessit ainq̄ sim
in mora no teneor. set si postea teneor [illegible]
[illegible]
[illegible] ut ff. d. constitut. pe. l. [illegible]

Instituta. De ii. simplicas. Rubrica.

D[illegible] de [illegible] que [illegible]
dictionis et emptionis que inveniunt ¶ Consequenter [illegible] empte
immediate dicit. Circa quam [illegible]
nob. ad plenu. [illegible] conuinit. [illegible]
inc huic [illegible] ordine [illegible]
f. primo quid sit uenditio. Scd'o que sit uen
ditionum diuisio. [illegible] quali quelibet uen
ditio pficiat. ¶ Est at uenditio alicuius
rei p certo precio datio. sic et emptio, pcio precio
acceptio. Na qd de uno dr de alto correlatiue
intelligi' ee dict. Et quia diffinitae diuid
[illegible] ex pte uend. [illegible] ex pte emptoris. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
hec inessa [illegible] multa [illegible]
frequentibus [illegible]
[illegible] debuit in quolibet [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

p. v. si uobis emo uab. sic et si dica si paulat asceddis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] nisi in modo eadem sint quales uale [illegible]
[illegible] et mores [illegible]
ne a. comercio bonorum [illegible]
a. facultate [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] in uestate no solu [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ut ff. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] nec ut [illegible] arbitrium [illegible]
[illegible] in arbitrium conferat. Nā [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ut ff. [illegible]

Ad eo qd per. Et sic ut ex predic. appet tali no tenet [illegible] ut [illegible]
si nolum. [illegible]
fideiussore. [illegible] ut ibi semp [illegible] ff. [illegible]
[illegible]
Ad eum qd per. Et hoc [illegible] ab uno [illegible] pecunia [illegible]
[illegible]
[illegible]
Ad eo p. Et ideo si [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ut [illegible] arbitrius [illegible]

[illegible]

Ad° omi p. et ipe recipiat ad dissinedu n° p. p. Sz illo nō arbitratre un' alter' oppl le nō potit id elligendu.

[illegible] Si uo[illegible] [illegible] tenet [illegible] [illegible] alien. [illegible] inst. [illegible] actu[illegible] ne alit [illegible] [illegible] Quoi pot antile [illegible] arbitri [illegible] tum e pena ul p[illegible] arbitri[illegible] arbitr[illegible] [illegible] et hec [illegible] in cui arbitriu cōsentit p [illegible] Si uo no [illegible] nō tenet uenditio [illegible] [illegible] D [illegible] actibus nō sine scriptis contractibus arbitrium cōhertes ul' alterius dictu est insti. [illegible] sup illo libo ad ipius capi [illegible] E. Venditionem aūt quendā fieri uiant' in scriptis quā sine scriptis. ut insti. de empt. et uend. in pn. [illegible] uenditio enī et quilibet cōtus ūc dz fieri in scriptis qn [illegible] [illegible] actus lege [illegible] [illegible] [illegible] sicut fieri in uenditionib[illegible] [illegible] [illegible] [illegible] [illegible] Nunc uendē quāli[illegible] [illegible] [illegible]

M. Ad° d. p. Et nō hic q. uenditori agēti ꝯ emptorē ad preciū obiat' ei exceptio n̄ res tradat emptori nisi agēti obiat' n̄ preciū soluat. Vnde ꝙ si unus timet ꝯ alio dic' pla. sequestrai utriūqz. Sz uerius ē ut prius agens offerrat ⁊ soluat seu tradat. ut nō. C. ꝯ act. emp. l. tradito. Et ꝯ pferre uenditōis dic ut nō ē i inst. ꝯ arra. §. Sz ul. ⁊ , scđm iuito alio si pec

E. Ad° d. p. sine ul interē penā in arra patit qui de aliq. p ārā simplici data fuit. ut inst. ꝯ emp. ⁊ uen. §. i hijs i h. §. Subaudi n̄ res eet tradita ul' preciū solutū qz tūc n̄ posset discedē uno inuito altero

incessē [illegible] ut. ff. de [illegible] [illegible] debet eni emptor [illegible] [illegible] uendito[illegible] preciū offerre uenditori D [illegible] nō que fit in scripturis. i. de qua agit' ut in [illegible] [illegible] ne scripta et [illegible] pleta sunt [illegible] [illegible] [illegible] E. Actus n̄ dic' ht inter actus n̄ opleta ipi scriptura quā intēuenire uoluert [illegible] quelibet partes recedere possit [illegible] phat' ꝯhat' nulla mētione hita de scriptura aliq. differentia. quia ūc tenet ipe cōtus solo consensu. Sz que dubiu postea possit ad pbatione fieri. unde cartā q. inslta fuint. [illegible] post mod' possit [illegible] [illegible] ualet qd agit. ut [illegible] [illegible] licet testatiōes [illegible] non sine [illegible] [illegible] pignoratitias [illegible] [illegible] E. Agit' hus [illegible] [illegible] littere [illegible] [illegible] et necessariu [illegible] [illegible] [illegible] [illegible] sine quo [illegible] [illegible] [illegible] nacione sua p[illegible] [illegible] [illegible] ergo cuilibet emptionali [illegible] [illegible] ipm instrm [illegible] capitula [illegible] sine quibus est de iure [illegible] [illegible] uenditiōis et [illegible] [illegible]

[illegible]

tertium continet partem. ut ibi, pro parte. et c.
¶ Quartum possessionem sine rei [illegible] ut
ibi qui rem et c. se ipsius nomine. et c. ¶ Quin
tum promissionem de legitima defensione
et [illegible] et incipit ibi, promittens
et [illegible] et ultimum penam ponit cum
[illegible] quod incipit ibi. et
penam et c. ¶ Hoc autem sex capitula [illegible]
de [illegible] et [illegible]
[illegible] p[illegible]
[illegible] partium et cum natae, put [illegible]
[illegible] que [illegible] pluribus exemplis
[illegible] et cavet ne illa [illegible]
[illegible] simpliciter pacta. quia
[illegible] que sunt de natura
[illegible] sine quibus actus non stat. aut bene stare
[illegible]. Pacta tamen possunt esse tot quot sunt ho
minum voluntates. unde illa non possunt fini
nibus comprehendi. ¶ Hec quidem predicta sex
capitula [illegible] et naturalem cursum [illegible]
emptionis [illegible] [illegible]
[illegible] sicut intellectum [illegible] appetitus non
[illegible] elongitudo sermonis. sciens quia
que supradictis sex capitulis [illegible] dicuntur. non
tamen [illegible] presentis. sed et multorum [illegible]
[illegible] ex positione et doctrina. et ad multorum
[illegible] notitia [illegible]
quod longa sit utilia et magis. [illegible]
[illegible]
[illegible] proponit quia cuilibet pulchri
[illegible] difficultatem nascendi. hanc [illegible]
[illegible] maiora [illegible]
[illegible]
[illegible] quia acto non sic bene scribitur. et bene
scribendo non sic acto. a primo non capitulo
[illegible] ¶ [illegible]
[illegible] et c. De nominibus proprie [illegible]
[illegible] scribendis [illegible]
[illegible]
[illegible] ut de illis que continentur in capitulo
[illegible] solet a doctoribus [illegible]
[illegible]
in proprie [illegible] proprie ponitur. [illegible]
accipientis ut in hoc instrumento et consimilibus
[illegible]

[illegible] et in eius transfert omnium [illegible]
et [illegible] ut ff. de acquirendo rerum do. l.
traditio ¶ [illegible] non dicitur tradere in instrumentis
illis in quibus concedit solus usus. ut so
la possessio rei. ut in instrumentis. emphyteosis prec[...]
[illegible] et locationis. sic enim ubi dicitur dedit et
locavit. et enim verum est quod ille qui locat vel
concedit. licet [illegible] non est dominium tra[...]
fert ¶ Vendere non sicut [illegible] nihil
aliud est quam rem pro [illegible] pretio dare [illegible]
[illegible] significationem. [illegible]
[illegible] significationes [illegible]
[illegible] et [illegible] proprie secundum [illegible]
[illegible] ff. de officio proconsulis [illegible]
[illegible] modo dicitur [illegible] rem [illegible]
[illegible] transferre. Corporalis enim res
[illegible] potest [illegible] alienari. ut [illegible]
[illegible] de rerum di. [illegible]. [illegible] etiam potest
per ethymologiam ipsius dictionis. dicitur enim
[illegible] transferens [illegible]. et ideo bene ponitur in
hoc instrumento rei vendite [illegible] proprio [illegible]
[illegible] transferentis dedit ¶ [illegible] non potest
[illegible] per [illegible] possessionem. sive per [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
instrumento venditionis [illegible]
¶ Nec illa [illegible] proprio [illegible]
[illegible] in accipientem transfert [illegible]
[illegible]
proprio [illegible]
[illegible] res [illegible] proprio [illegible]
[illegible]
emphyteosis [illegible] proprio [illegible]
potest [illegible] proprietas [illegible]
[illegible] instrumento emphyteosis dicitur ¶ Quod
[illegible] proprio
[illegible] quod de [illegible]
[illegible]
[illegible] ut ff. de act. empti. et [illegible] l.
[illegible]
[illegible] et [illegible] et [illegible]
[illegible] proprie [illegible]
bus [illegible] respondit. et tale [illegible] ponitur

unius ppria significatio illi negocio de quo
[illegible] in [illegible]
sequitur . [illegible] et [illegible] et [illegible] bene
sequitur [illegible] . sit hec idem stipulor [illegible]
[illegible] punctis . quia in stipulationibus ne
[illegible] e [illegible] . sic patet p [illegible]
stipulationis [illegible] sine [illegible]
[illegible] . [illegible] regule [illegible]
[illegible] de [illegible] p [illegible] de [illegible] ut [illegible]
et . Consti[illegible] quia [illegible] et
[illegible] [illegible] . per unam terre [illegible]
[illegible] et c. Hec e[illegible] capitulum [illegible]
rem [illegible] . [illegible]
[illegible] qualitate quantitate loca et la
tera [illegible] [illegible] super [illegible]
[illegible] . [illegible]
[illegible] et quidquid [illegible] et sine [illegible]
[illegible] et c. [illegible]
[illegible] et [illegible]
plana . [illegible] medulle [illegible]
[illegible] hec [illegible] ut [illegible]
[illegible] de [illegible]
[illegible] et a quo [illegible] de terre [illegible]
[illegible] possessione [illegible]
[illegible] [illegible] . [illegible] possi[illegible]
[illegible] ne [illegible] debent [illegible]
[illegible] . [illegible] tenement . [illegible]
[illegible] tenementum [illegible] . et de [illegible] paladenon
[illegible] possessio [illegible]
[illegible]
[illegible] ut illa quam [illegible] emphyteota [illegible]
[illegible] vel [illegible] ut ff. de [illegible]
[illegible] . [illegible] de hac possessione [illegible]
[illegible] [illegible]
[illegible]
in mobilibus quarum dominium transfertur in [illegible]
[illegible] ut [illegible] sine [illegible]
[illegible]
[illegible] hec [illegible] de se quidquid [illegible] et
[illegible]
[illegible] . Cum omnibus et singulis
[illegible] vel aliis [illegible]
[illegible] omnibus et singulis [illegible]
[illegible] intelligendum e [illegible]
[illegible] [illegible]
[illegible] [illegible] ne [illegible]

capitulo [illegible] hec autem [illegible] vel aliis [illegible]
[illegible] . [illegible] e [illegible] ne forte [illegible]
confinibus sit [illegible] . potuit enim esse quod
aliquis erat in confinio possideret [illegible]
non possideret . unde sensus e sive aliquos con
fines habet sive alios omnia [illegible]
[illegible] ff. accessibus et egressibus suis usque
in viam publicam . hec [illegible] ut puto dict[illegible] e
[illegible] habebat [illegible] et [illegible]
[illegible] sine [illegible]
[illegible] emptor [illegible]
[illegible]
[illegible] et [illegible] et [illegible]
[illegible] que [illegible] et [illegible]
quibus [illegible] et transferunt in successores
[illegible] et [illegible]
[illegible] ut ff. de [illegible] . i. alienatio . et [illegible]
[illegible] et singulis [illegible] vel [illegible]
[illegible] regula ne [illegible]
[illegible] et [illegible] solo [illegible] et [illegible]
[illegible]
vel [illegible] solo [illegible]
[illegible]
[illegible] . ff. [illegible] et [illegible]
[illegible] ff. si [illegible] et [illegible]
[illegible] de [illegible] melius possi[illegible]
[illegible]
[illegible] [illegible]
[illegible] et [illegible]
[illegible] [illegible]
[illegible] e [illegible] et [illegible]
e [illegible] ad publicam [illegible]
[illegible]
[illegible] ut in ea [illegible]
illa [illegible] [illegible]
[illegible] ut [illegible] non [illegible]
in [illegible] et [illegible] non ff. in
[illegible] qui
si [illegible] ff. et [illegible]
non [illegible] illa que [illegible] ff. [illegible]
[illegible] non sunt [illegible] vel [illegible]
[illegible] ff. de ad
[illegible]
[illegible]
[illegible] et [illegible] . si venditur [illegible] venditio [illegible]
[illegible]

vasa uinaria et cotidiana [illegible] et cohe[illegible] edificio uille nō cedunt emptori quia in aug[illegible] institutum est. Vi[illegible] et fi[illegible] percepti et ta[illegible] in fundo uendito ia centes nō sunt emptoris. palis tamen qui exempti sunt de uinea [illegible] reponentur in ea [illegible]. set nō illi qui erant parati ut ibi in ponerentur de nouo. Sed et quilibet at[illegible] q[illegible] cōparatum est. emptionem se quitur. set si uendendi causa sequitur uendito rem. nec interest an iaceat in stabulo an sit in actuo. ea nō que empta sunt ut cella pluneretur ad uendicationem. nec cella sit empta ea inter ptione quae ibi reponantur. quae habet uenditor de [illegible] et autem emptioni [illegible] ut ff. de act. empt. l. fundi. §. fundo uendito. et §. si uinea. §. ult. in fi. Similiter iure et actione. Clausulam generalem apponit ut nō tantum ipsa res cum huius quae uenduntur [illegible] spectante puenerat. in emptionem pot tamen esse quod plus [illegible] actiones que nomine ipsius rei [illegible] ante [illegible] [illegible] [illegible] [illegible] aquirantur emptori quia [illegible] omnis tenetur uenditor cedere et dare emptori ne ff. de [illegible] [illegible] [illegible] sed et si quid [illegible] p̄cio [illegible] p qualibet [illegible].

Nunc de eo capitulo in quo agitur de precio aliqua dicenda sunt. circa quod quedam secundum uniuersorum supra [illegible] sup[illegible] in [illegible] in illo paragrafo ex parte uero emptoris [illegible]. Et uero secundum alia circa [illegible] [illegible]. Sciendum est igitur quod qui uendendum [illegible] ut domus uel hereditatis. et precium in summa po [illegible] ut [illegible] in [illegible] quorum [illegible] nō exprimit [illegible] [illegible] dum. sine qu[illegible] [illegible] [illegible] ut [illegible] [illegible] precium solet [illegible] [illegible] [illegible]

cum soluitur in presencia. et aliquam confitetur se uenditor precium recepisse. Si precium soluitur in presencia distinguendum est quando numeratur in pecunia coram tabellione et testibus. aut in sacculo si ue in [illegible] nō numerata traditur. Si pecunia presenti [illegible] [illegible] et [illegible] p precio [illegible] lib. quas dictus emptor coram me notario et testibus [illegible] dedit et soluit et numerauit ibidem et in presenti uenditori predicto. nec est tunc opus renunciatione nō numerate pecunie exceptionis. Cum enim [illegible] emptor et [illegible] [illegible] sui in publico [illegible] [illegible] pecuniam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pecunia no tum ibi numerata [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] p precio [illegible] [illegible] [illegible] dedit et soluit [illegible] [illegible] coram me not[illegible] [illegible] [illegible] [illegible] [illegible] fuit tanta esse [illegible]. Si autem [illegible] nō fuit nō soluta et nō numerata pecunia siue precium omnino [illegible] [illegible] [illegible] ibi nulla [illegible] apparente pecunia uenditor confitetur se recepisse precium siue illa confessio fiat [illegible] [illegible] [illegible] recepit siue fiat [illegible] [illegible] [illegible] [illegible] [illegible] debet [illegible] nō numerate pecunie [illegible] [illegible] [illegible]. plerumque enim contingit aliquem pecuniam recepisse. quam [illegible] non recepit. set hoc facit quia ante [illegible] est de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quia sequitur [illegible] [illegible] [illegible] debet et [illegible] est exceptio nō numerate pecunie [illegible] qui confitetur [illegible] [illegible] quod nō recepit possit opponere exceptionem [illegible] [illegible] [illegible] [illegible] [illegible] effectus [illegible] [illegible] [illegible] in notibus [illegible] [illegible] uenditor [illegible] emptoris nomine [illegible] possint [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. Quo circa tribus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod sit [illegible] [illegible] [illegible] nō [illegible] [illegible] [illegible]

possessionis ponantur. Deinde ut documentum
tradamus scribendi formas que solent super
possessione frequentius occurrere. [E]st
autem possessio corporalis rei detentio. corpo
ris animi et iuris adminiculo concurrente.
Corporalis rei ideo dicitur quia sola corpora
lia possidentur. in corporalia enim dicuntur
quasi possideri. i. que iuram per patientiam. et u
sum. ut ff. de acquir. pos. l. possideri de
acquirendo rerum dominio. l. fructuarii. §. in cor
porales. Et propterea bene dicit detentio. quia
nihil tenetur ab eo qui corporaliter insistit
ei. Est enim appellata possessio quasi pedum po
sitio ut ff. de acquir. pos. l. i. in prin. Dicitur
etiam corporis et animi adminiculo con
currente ... ut ... possideat dicere
debet s. corporis actus. et animi affectus. et
iuris adminiculum. Non opus est ut quis cor
pore amplectatur vel calcet oculis. Sufficit enim ple
rumque usus oculorum animi effectus cum no
titia ... et ... effectus necessarius est. non enim per se corpore aut per se animo
possidetur. quia tamen est possessione solo animo ad
mitti. puta siquis se posse repelli ... admit
tit ut ff. de acquir. pos. l. possideri. §. i. con
tentia. Item oportet quod ius adhibeat. non licet
aliquis rei sacre vel religiose corpore et animo
insistat non tamen de iure possidet. quia res
sacre vel religiose non ab ignorante non a scien
te possidentur. ut ff. ea lege quod ... .
[A]cquiritur autem possessio pluribus modis. et primo
per traditionem. i. corporalem apprehensionem
quia si aliquis habuit rem persona rem sua
non prohibita alienari ex causa habili. ut pu
ta ... vel donationis vel venditionis vel
alia ... nactus sum
possessionem. quia in dominium licet iure vendi
ta requiritur precii solutio ut in insti. de rerum
divisione §. per traditionem et §. venditione
et ... possessio quam quis corpore suo vel sal
tem oculis ... animi effectu et voluntate tradentis
... et quia de causa ... tradi
tum apprehendit. [S]ed sine corporali apprehensi
one possessio et ... acquiritur in multis
casibus et ... ut incipiamus ab illo
quem ponit textus ut puta. cum id quod meo
nomine possideo constituo me alieno nomine
possidere et alium possessorem ministerio meo fa
cio. nam is possidet cuius nomine possidetur ut ff.
de acquir. pos. l. quod meo. et de rei vendica
tione. l. quedam mulier. [A]lius est cum rem
meam commodatam depositam vel locatam tibi vendi
dero. licet enim ipso quod paciscar eam esse tibi tradito.
Item siquis merces in horreo positas. vel in
una cella vendiderit existentia. et claves
eorum cella tradiderit. ... vel merces tradi
te videntur. ut in institut. de rer. di. §.
interdum. et ff. de contrahenda empt. l. clavi
bus. Item si tibi rem donavero et instrumen
ta tradidero rem ipsam tradidisse fingor.
ut C. de donationibus. l. i. de ceteris vero
modis acquirendi possessionis brevitatis causa
ad non prosequor. [N]unc de formis
quibus tabelliones in instrumentis emptionali
bus sive ... emptionum uti solent
videndum est. et primo de illa quam ponit lex
si enim res vendita non est in presentia et de
curreo ad illa alia quam ponit lex ... ut dicens
quam rem se nomine eius constituit possidere
etc. per illa et alia acquiritur emptori possessio
quia fiat ... est ille possidet cuius nomine
possidet. Set si emptor nichilhominus
ex habundanti ... voluit corporalem apprehen
sionem. et de qua fiet publicum instrumentum scri
bes illo modo [C]um antonius ven
diderit Cor. unam petiam terre positam in tali
loco et talibus confinibus. et ipsam rem constituit
se eius nomine possidere donec ipsius rei corpora
lem acciperet possessionem. dantes ei licentiam ut
... accipere ... in instrumento sup
... Item cor. eam ...
quam ex licentia et potestate sibi concessa ... ne
... tradita. et si venditor presens fuit
... et voluntate venditoris ... pre
sentibus ... possessionem
... ipsam terram corporalem ... de
... terra et fundibus accipiendo et ...
... et ... se esse ... corpore

set etiam animo possidere. Cum vero res vendita est in presentia et in instrumento venditionis scribitur capitulum de possessione hoc modo: et eam in possessionem idem venditor coram me notario et testibus infrascriptis tradidit ipsi emptori ibidem et in presentia hostium ipsius domus tradere in manibus imponendo et ipsum in ipsam domum corporaliter introducendo qui emptor ipsam possessionem corporaliter apprehendens absentiam et [illegible] sine [illegible] ex nunc non tamen corpore set etiam animo possidere.

Promittens pro se et suos heredes etc. Inter cetera capitula instrumenti emptionalis hoc [illegible] plus habet ponderis et virtutis. et has duas promissiones a venditore facit contineat in omni fere venditione. videlicet primam de lite super re vendita ulterius non movenda nec consentire alicui moventi. secundam de legitima defensione seu evictione rei vendite. Dicta de [illegible] una cum [illegible] c. [illegible] de evictione maximam [illegible] confidentiam et securitatem inducit. quia si super evictione fuit et bene cautum videtur [illegible] non [illegible] per inopiam debitoris. ut ff. de [illegible] l. nam [illegible] nulla et ipse emptor nichil habet quod de iure facere debuit [illegible] et nullam potest a [illegible] nalibus [illegible] et propter super evictione solent plerique [illegible] et [illegible] pena apponi et emptores super [illegible] cautelam sollicite [illegible] et cavere. Sed quia primum membrum [illegible] habere [illegible] si enim dico licet non movere litem non moventi consentire et [illegible] et [illegible] solent apponi in instrumentis [illegible] in [illegible] et intelligenda [illegible] simpliciter ut littera sonat.

Circa secundum membrum in quo agitur de evictione in quo est [illegible] et [illegible] intelligendum quia littera sonet et [illegible] [illegible]

Notandum est quod hic non [illegible] vendi tor expresse de evictione promittere. sicut est legittime defendere auctorizare et disbrigare. quod [illegible] significatione [illegible] [illegible] [illegible] quia si de re ipsa [illegible] [illegible] tenetur ipse venditor rem in ipsa lite legittime defendere et [illegible] defendere auctorizare sive auctorizari [illegible] auctor [illegible] fieri. c. quod pro se litem agere. et disbrigare i. ab omni homine litem expeditam reddere. Quidam [illegible] [illegible] intellectu habere videantur omnia tamen [illegible] reddendum ut venditor non teneatur de evictione. Ponamus enim quod lite mota et denuntiatione facta venditori ut defendat et auctorizet sicut promisit venditor si facere negligat habebit emptor manere in iudicio et defendere. alioquin de evictione non agetur. ut C. de [illegible] et co. rei vendite. l. i. in fi. ex quo enim rem non defendit per suam absentiam. magis videtur [illegible] quod [illegible] [illegible] ad nichilum [illegible] venditor obligatus [illegible] quod in [illegible] lite non tenetur. quia licet promisit rem legittime defendere ab omni persona et universitate intelligendum est tamen de illa persona et universitate quecumque [illegible] habet litem movendi. et quibus [illegible] [illegible] patet [illegible] quod emptor [illegible] [illegible] venditor [illegible] [illegible] [illegible] et evicta. et venditor de evictione tenetur de qua evictione quod ipsa sit. Item quis de evictione agat. Item quanto et in quanto venditor sive quilibet de evictione obligatus tenetur de evictione. Item que remedia venditor habet contra emptorem agentem de evictione. non sit [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] in se [illegible] [illegible] et valde utilia. et [illegible] quia illud [illegible] [illegible] facta est super capitulo de evictione. Sub pena dupli extimationis dicte rei.

Sequitur et [illegible] capitulum. in quo tractatur de pena et de hiis que cum pena promittuntur. c. de expensis [illegible] et interesse [illegible] et de bonorum oblig. Super [illegible] consilio pendet [illegible] in [illegible] [illegible] [illegible] evictionis [illegible] contingentibus. Nam si [illegible] pene duple [illegible] [illegible]. et [illegible] [illegible] et bonorum obligatio venditor promisit et fecit. [illegible] [illegible] [illegible] c. [illegible] [illegible] [illegible] pena committitur. [illegible] [illegible] et expensis [illegible] [illegible] non sequatur evictio ipsa. enim bonorum obligatio sive ypotheca [illegible] ypothecaria actio [illegible] non habet

[illegible]ectum nisi dies uel conuictio eius debi
ti per quod factum est uenit uel cessit. ut ff. de pig.
l. [illegible]. §. [illegible] condictum. et secundo satis bene et
ordinate hec tria in uno eodemque capitulo
disponuntur. ¶ Est igitur super primo sciendum
quod si simpliciter dicit tabellio sub pena dupli
non dicendo cuius dupli. tunc de iure illud
duplum referri debet ad pretium conuentum
non ad rei bonitatem que plus est quam pretium
ut ff. de eui[ct]. l. si fundo euicto. et l. cum
fundus. Sed quia hic dicitur sub pena du-
pli extimationis dicte rei habita ratione melioramenti
[illegible] que pro tempore fuerit refertur illud duplum. duplum
[illegible] aut [illegible] quod ex [illegible] et [illegible]
est .i. bonitate rei. ut si res fuit euicta pena
[illegible] soluat uenditor et restituat emptori
pretium quod ipse debet. et nomine pene dupli exti-
mationis rei. quanti pro tempore plus ualuit .i.
uenditionem est [illegible] .i. tantum quantum est [illegible]
[illegible] extimatio rei. [illegible] duplum [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] licet [illegible] duplex [illegible] pena.
cum lex promittit hic [illegible] et [illegible] utraque [illegible]
[illegible] in [illegible] potest de uoluntate par[tium]
[illegible] pena dupli uel quadrupli non [illegible] ulterius
[illegible] potest pro nomine ut dicitur sub pena quintu-
pli uel decupli. licet enim. licet enim pena conuen-
tionalis posset peti quantacumque fuerit ut i[n]
[illegible] [illegible] [illegible]. [illegible] [illegible].
cum hec uero [illegible] apponitur pena in certa summa
[illegible] apponitur pro nomine respectiua dupli uel
[illegible]. quia [illegible] [illegible] non excedit [illegible]
[illegible] de empt. §. [illegible]. et sic loquitur
[illegible] [illegible] ff. de euict. [illegible] cum [illegible]
duplum [illegible] et [illegible] et quadrupli [illegible]
[illegible]. ff. de euict. l. si [illegible]. et l. si plures. ¶ Illud
[illegible] [illegible] [illegible] quod [illegible] partes
conueniunt. quia [illegible] et in quacumque re [illegible]
[illegible] potest de stipulatis [illegible] [illegible] [illegible]
est. ut in l. [illegible] de diuisione stipulationum.
§. [illegible]. Sed quia non est [illegible] uel [illegible]
[illegible] de [illegible] [illegible]
[illegible] sub rubrica de [illegible] [illegible] [illegible]
[illegible] plus [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] et [illegible]. [illegible]
[illegible] [illegible] [illegible]

[illegible] sub [illegible] [illegible] a. [illegible] dicti. De e-
[illegible]. l. de obligatione bonorum tractabitur i[n]
sup[er] consensu [illegible] uenditoris. Multa est
hic dicta ff. et [illegible] nimie prolixitatis cum in
[illegible] [illegible] super predictis duobus [illegible] non est [illegible]
[illegible] locis tradi poterit oportune

P[illegible] lib. quod [illegible] In [illegible] plurium [illegible] et plurium emptorum
[illegible] simplex et [illegible] et plurium rex diuiso
[illegible] uenditionis. ponitur tunc [uenditur]
quia illud tamen [illegible] [illegible] mollem et [illegible]
magnam mollem arboris [illegible]. et [illegible]
[illegible] capituli [illegible] sequentia [illegible] et [illegible]
[illegible] ex illo [illegible] originem. et [illegible]
sicut rami ad arborem referuntur. [illegible] [illegible]
[illegible] non [illegible]. ut ff. de [illegible]
[illegible] ¶ Set quia [illegible]. [illegible] liber illo
[illegible] possim [illegible] [illegible] [illegible] [illegible]
que [illegible] negociari et [illegible] super [illegible]
uenditionis [illegible] ut possit ualere tabellio[nibus]
[illegible] [illegible] oportunas. cum eos non tamen [illegible]
[illegible] [illegible] et [illegible] in [illegible].
[illegible] et eis fere de singulis que dicuntur exem-
pla [illegible]. quia plerumque magis exempla quam [illegible]
[illegible]. et magis [illegible] [illegible] [illegible] [illegible]
[illegible] hominum [illegible]. ut [illegible] de gradibus
[illegible] [illegible] quoque gradus. et [illegible]
[illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible]. Sic [illegible] [illegible] [illegible]
[illegible] super capitulo de [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. quia [illegible]
[illegible] [illegible] [illegible]
[illegible] uoluntates [illegible] [illegible]
[illegible] et [illegible] [illegible]
[illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] ¶ [illegible] de duobus ex [illegible] [illegible]
[illegible]. [illegible] de duobus uenditoribus. et de
duobus emptoribus [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]. quia [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible] colligere. [illegible]
[illegible] [illegible] [illegible]. et ex [illegible]

[illegible] de [illegible]
[illegible]

Hoc plene [illegible] ... possit ... ipsius [illegible]
[illegible] ... possidere ... ut ff. de acq. pos. l. iij. ... [illegible]
... ualeat ... [illegible]

singulis. Preterea diligenter attende q[uod] lib[er] istos duos uenditores no[n] faciat in soll[idum]
... illos qui hac faciunt ... [illegible]
[illegible]
[illegible] ... ut ff. de ... [illegible]
... et tertio. Et cum sic ... [illegible]
[illegible]
[illegible]
[illegible]
in sollidum uendere ... ut dictu[m] in sollidum
[illegible]
[illegible]
ut p[ro]miserunt in sollid[um] ... [illegible]
Haec fit interdu[m] g[ra]t[ia] quinti capituli ... [illegible]
Item. io. q[uo]d in p[re]cedenti instr[ument]o de iure quo uendit[ur]
e[st] res fit mentio in p[ri]mo capitulo in hoc uero po
nit[ur] in eius locu[m] iura quibus res iste uendita
e[st]. et e[st] r[ati]o q[uia] iste erat d[ic]tis iuribus uenditur
s[ed] una iure p[ro]p[ri]o alia iure ... Tertia uero
... iure. ... q[uod] iura una q[uam]q[ue] re[m]
... ponit[ur]. ... omnis
res uno p[re]t[i]o ... uendunt[ur] ... competent
... capitulo posset ... [illegible]
[illegible]
... notula que e[st] in fine ... instr[ument]i.
Item si pluribus rebus uenditis ... uni[us] soli[us]
... omnes res ... ille iure uendite intelli
[illegible]
apponit[ur] ... qua res uendit[ur] ... intelligit[ur]
... iure p[ro]p[ri]o uendi ... ambigua ut
... contra uenditore[m] interpretat[ur] ... q[ui]a p[ro]fer
re debuit conditionem et ius ... eo q[uod] in ei[us]
potestate fuit legem ... ut ff. de
pac. l. uendit. ... p[er] stipulatione[m] una
... principali et in sollid[um] ... [illegible]
[illegible]
[illegible] ... h[oc] ... [illegible]
principali et in sollid[um]. et ... [illegible]
... instrumentu[m] ... [illegible]
... notula ... de ... [illegible]
... et tradet ... q[uo]d in ... uendi ... iure
emphyteotico ... Duo emphyteotica
... emphyteotice conditionis ... e[st] illa q[ue]
... dominio et p[ro]prietate retenta

[illegible]

... emphyteotice quantu[m] ad solum possessione[m]
ut habetur in instr[ument]o questionis in emphyteotis
et ... in notula ... instr[ument]i ... [illegible]
si emphyteota rem illa[m] ... persona ...
nere uult, no[n] p[otes]t ea[m] ... [illegible]
ferre. eo q[uod] ille no[n] habuit ... et ideo illa[m] alteri
... non h[abe]t. ut ff. de reg. iur. ...
[illegible]
... uendita ... [illegible]
... instr[ument]um ... Fac autem emere, p[ro] se et ...
Aliter dic de fructib[us] cum debet dari me ...
[illegible] ... istius instr[ument]i ... [illegible]
[illegible] ... persona emp[tor]is ...
[illegible] ... colligat ... [illegible]
... et ... [illegible]
in p[re]cedentib[us] duobus instr[ument]is actum sit de empt[i]o[n]e
p[ro]p[ri]o suo no[m]i[n]e emente. et plerumq[ue] contingat ali
que[m] non tame[n] no[m]i[n]e suo sed alior[um] ut fratrum
fraternitatis et consortium emere. et ideo de ista emptio
ne supponit. Item cum in p[re]cedenti instr[ument]o dictu[m]
sit de quadam re iure emphyteotice conditio
nis uendita et conditiones quib[us] res uendi
... possit ... [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
negotiu[m] aut sine suo mandato gestu[m] ...
[illegible]
no[m]i[n]e suo ... distingue q[ui]a aut utiliter
p[ro]p[ter] gestum e[st] aut inutilit[er]. si utilit[er] p[ro]p[ter] ge
stum e[st] ... q[ui]a ... q[ui]a utilit[er]
gestu[m] e[st] ... ut ff. de negotiis gestis
l. pomp. et sic nascit[ur] actio negotior[um] gestor[um] ...
de neg. ge. l. ... si uero inutilit[er] ...
distingue q[ui]a ... [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

qd gestu e. et ideo exacta et optia tibi q
rum̃ fuit. et quia eu ad ppietatem. ut
ff. com. l. si pupilli. §. ij. et l. si ego. et l.
domini et possessio quia tu eius noie emptor e
et mei habitem queiut. ideo tu de cuiete e
fore nō aquirit. nisi cessero tibi. et patr
in rem tuā constituero. [Ι]tem nemus enim
q si deducit societas oium bonorum nacte nō
ut sed estimatio oium rez corporalium unu
cuiq; socioz ab aliis. et id unusq; et possessor aqui
rit. [Ι]ncorporales ut res actiones manet
in statu suo. quia nō separant ab eis inherent
ossibus. ut ff. de pecul. si quis ergo. Unde
oportet ipos socios actiones in inter cedere
quilibet eoz consequente alium eoz partem
rem suā. ut ff. p socio. l. i. § i. et l. ij. et l.
iij. Sed nō mai ri iudicium non tenet qd gestu
est nāl eius et causā vo studie alienā con
venientē meliorē fieri posse que ignorantis
vita sit decimate. ut ff. de neg. ge. l. solue
do. [Ν]unc decimis inuendum e a pmo
quid sit decima. sed at et que sint spēs de
cimar. [D]ecima e oium iuste quesitorum
pars deo debita. decime enim ex pcepto dni debe
atur dicentis decimas et primicias tuas non
tardabis offerre. [Ι]ōu decime sit debita egen
tium aut. quia decime et res ecclesiasticae et e
de sit pauperum. licet debeo fiat magis
pauperibus pat. [D]ecimar quedam sunt
psonales. queda poriales. psonales sunt les
nō sunt que debent ex psonali opa. et hoc nō sol
uent nisi loci consuetudine apprbata. [Ρ]reci
poriales sunt que debent ex his que puci
unt et ex fructibus poriox. et hec solum debent
ecclesie in qua parrochiis pdia sunt constituta.
[Ρ]reterea uerum omis possit decimas tenerunt
et ex quibus tenerunt et oblatio pendentium
acipies. Queritur si uerum laici decimas possit
percipere. et dicit qd sic si. ad eps eo quia possit
dum et eius impetum p papam puilegium
si puilegium impetrauit sic in decreto. Vt quar
nō posint laici decime conuentionales re
lei. si tu rem mea tibi uendidi uel donaui
uel alio modo dedi uel p pactum agi pot ut ex
fructibus eius. m. et in eius heredibus de
cime impetraui debeantur. uel ulti decimas et

mnino mandato debitis nō prudicet. Vt
no. q in hoc insto ag de re que uenditur
uni ipso. licet decime ex fructu ius debent
tur. quia conductio decimarum ppietati rei
nō in mutat uel conductio fructuis rei. n. mos
nullas conuictionibus pot ce subiecta.

Instit. de. fee. amr. fic. tutore. pbat de reb. eto

[P]recedens insitem in psona emptoris. istud
aut eo in psona uenditoris cuius uale
mentum in ducat. supponens enim pe ante
cedenti insitux. et minores et eius successor
rem psonal sup emptor hoc qd e fer uenditori
gramat. hoc insto cū u. lib. ult incipit de co
tractibus quibus res uendite post ce sinat
et. et idopseit de duabus. s. decimar et epy
ecclis. nunc de alia. s. de fuali condicione ss
necesse. Sed quia de pmo menbro hoc e de
minoribus et eoz successoribus multi
sint cabelliones oportet. et quia de his
in pluribus aliis locis sime tractat. et quia
eciā in sucutibus s maliibus sic qualis est
insitum mā. id de iure et conditione minoz
et eoz successoz uist loco potui diu reliquis
suo loco et tpe reseruans. [Ε]ccias e q hic
minor queat sint pubes. quinis in pubens
lib tu in hoc insto de solo mle suppont.
l. de minor. xxv. annis desiderio. ul semina
minor xij ani. n. dz esse pubes ne i insthere.
quibus moris tutella impuni. et. c. d imp
tis. l. semus. et sic insista loquitr de pube
em. et si pacit p sacrmentis. quia in talibus sac
menti abeo sibm. sacrmenta n. in dicatibus
solis pubibus. et nō impubibus preiudicant
ut conti. et p legem dni fredici imperatoris
qui ait sacrmenta pubium sponte facta sup
actibus rerum suar nō retractandis inuiolabili
papmm castodm. patet q q dicit pubis
et nō impubium. itaq n. minor restitui pu
bes. intelligitur si recipiat rec minoris ratio
ibi tenentur et auxilium restitutionis si aich
uicue uo n uoluit imperator hū minore
psinde uel prium. ut. c. si aduersus uendito.
l. et si minor minore dixit et l. si alii. in
sacrmentis psitauit eum loco maioris. pnto.
amius. Vt attende q in corporali sacrmen
to a minore sup uenditione psito talia &

Supp. ħ dr. ... vitat ul' pena ... contra ... imitat ... sup eo ... [illegible]

... i. libet potest ... debet ... sed ... si pd̃a i instrumet° deducitur ...

... ut i formis inveniunt ... solent ...

Ut ... ... nõ potest ... tñ ... ... ut ff. ... ... arboribus ...

Impetratur ... pena ... ad robur ... deducit p̃dã.

...ba poni solent. Qui utitus corporalis ad
...dã vel aliamq̃. nullã restitutionẽ impetra
re contra p̃dcã ul' aliq̃ p̃dictor. occasiõe mi
noris etatis ul' minoris p̃cij tibi nõ solu
ti. ul' in tuã utilitatẽ nõ õũsi ul' nõ du
mpnis sine alia quacũq̃. Set licet h̃ u
ba in sacmentis solent apponi. exptus
est ea in stipulacõem deducit. et ponit ea in
penã. ut nõ tm̃ p u̇tutẽ sacmenti set eciã
conventois et stipulatois firmet' et adeo
sicut ad eciã pñã refferat' et committat' v̇ q̇
in fine sacmenti apponit. ¶ Nunc de s'vi
tutibus de quibus hic agit' ¶ Videndũ
ẽ et debet hic scire qd̃ hic nõ tractatur
de s'vitutes qua hõ sit s'vus hoĩs. set d'
illa qua fundũ s'viũ p̃dio. et dr̃. s. l. s'vi
tus reall'. ut ff. de s'vitutibus. in t' gñali
bꝫ. Set q̃ nomen rei immẽ ẽ gñale. ff. si
cerũ petat'. l. i. in fi. quia continet i cor
poralia ut i insti. de rebus cor. et incor.
melius dicit' s'vitus p̃dialis. p̃dij nõ no
men in mobilia tm̃ cõplectit'. ut ff. d v̇
si. l. questio. et l. fundi appellatõe. vñ pot
s'vitus sic diffiniri. Servitus p̃dialis ẽ
quedã constitutio qua p̃diũ qua p̃diũ p̃dio
stringit'. Servitutũ at p̃dialiũ quedã s't
urbane. quedã rustice. Urbane s't que debẽ
p̃diis urbanis. Rustice illa que p̃diis ru
sticis debent'. Set p̃dia urbana dicunt' oĩa
hedificia hitandi cã facta sive in villa siñ
in urbe sint. q̃ urbanũ p̃diũ nõ facit loc'
set ri. ut ff. de v̇. si. l. urbana p̃dia. vñ
si eciã urbe hedificatũ cã nõ hitandi. si gñã
reponendor' fructuũ fiat sic dicit' rusticũ
p̃diũ. ut notari pot insti'. in quib' cãis pi
gnus tac. h. l. eo. ff. si tabulla. et no. vill
gerit q̃ rustici p̃dij s'vitus sit rustica l'
urbana collige ex qualitate p̃dij cui debet
s'vitus. nõ ex qualitate ei' q̃ debet utilis
ẽ s'vitus. quale ẽ p̃diũ cui debet' si: n. stil
licidia domus mee que ẽ urbanũ p̃diũ possi
dent' in area tua que ẽ rusticũ p̃diũ dicit'
urbana s'vitus. et eciã si cuiuis hedificij

met cã reponendor' fructuũ sit positum i ponẽ
in parietem domus tue que urbanũ p̃diũ
ẽ erit s'vitus rustica. ¶ Set aut iura urbanor'
p̃dior'. ¶ Jus oneris non tollendi. ¶ Jus stillicidi
um advertendi. in aream ul' tectũ vicini.
¶ Jus ne p̃st' in p̃spectus ul' lumen. et q̃dã alia
¶ Jura v̇ō rusticor' p̃dior' s't hec. iter. actus via
aque ductus. aque haustus pecoris ad aquã
pulsus ius pascendi. calcis coquende. arene
fodiende ut in isntit. de s'vitut. in p'n. et
ff. rusticor' p̃dior'. Set q̃ de p̃mis tribus
s'vitutibus rusticis fit in textu mentio
sciendum ẽ qd̃ ius eundi et ambulan
di hoĩs. sive hõ eat solus. sive portet' lec
tica sive lectica. aut equo ul' quo ĩus. ãñli.
tñ ille qui solũmodo iter h̃t. hãc non pot cõ
sum a. se ducẽ ul' agẽ iumẽta ul' vehicula
ut in i̇nsti. d s'vitut. in p'n. et ff. de s'vitut
rusticor' p̃dior'. l. i. et l. q̃ sella. acto. est e
ius ambulandi agendi iumẽtũ et vehi
culum. vñ qui actũ h̃ꝫ iter h̃ꝫ. set nõ e cõ
ut in isntit. e. ff. ij. via nõ lapid' ul' trabe
s agendi ambulandi. et eundi. ¶ Jus trahe
di lapidem ul' trabẽ. et ferendi recti asta
que via nõ p̃mittit' ei. qui h̃ꝫ actũ. q̃
consideraf' q̃ fructus eo m̃ possent ledi.
¶ Jt no. q̃ viie latitudo si latior ul' angustior
nõ designet' p̃ cõhentes. l. debet. viij. pedib'
in porrectũ. i. ubi via p rectitudine porrigit'
et xvj. in anfractũ. i. ubi via reflectit' ul'
retorquet'. ut. ff. de s'vit. ru. p. l. qui sella
s. i. et l. via latitudo. et l. cũ. s. latitudo
et l. via. constituit. et ẽ racio ideo q̃ in viie
retitudine possit se plaustr' ducentia p̃mit'
et p̃clamare q̃ n possent il via flexa cet'.
io in reflexione debet via latior ee. p̃ cõmodi
ter videlicet et honorifice constituit' s'vitutes
s'vitutes pactionibus et stipulatoibꝫ. i.
cõtractibus ut emptõe donatõe et similibus
et eciã in ultiõ relinquit'. ut in insti. de
s'vitut. p̃dior. ff. plur. et ult. ¶ Jt consti
tuit' voluntate pati et si ab invitis. et d'
in invitus. qui nõ ostendit. exp̃ssit. q̃ivis nõ

[illegible]

fracit. licet [illegible] x [illegible] [illegible]

uel impetum [illegible] acquisiuit ut mano p

ximus eam debet pstare. fct forte ibi i tell

[illegible]

uto. dominet. l. si locat. § ult. Et no. q

in hoc instio igit de duobus potius uno uel

no. et alio rustico. q lib exemplificant uolu

ro quolibet fructu. Et diligent attend

p uenditur tolli [illegible]

cessio rei uendite semp exprimit et expose dictica

dicit in hoc [illegible]

[illegible] uendicionis [illegible] comparat

[illegible] et pro [illegible]

Instrum. ue. rei sine rex ue cu aliquibz ad

P l. [illegible] quia ff. incoils p

[illegible] non tm qui tinetils.

[illegible] respondunt. sed cum sicut

[illegible] inhere [illegible] et [illegible]

conf. alii [illegible] et cum et rivo [illegible]

tione [illegible] [illegible] uendit [illegible]

[illegible] indubio. cu sepe uenit usque ad quem

locu et metu fines uenit. et fines [illegible] ne

[illegible] solent partes uel

[illegible] et [illegible] scribi. ut dicat [illegible]

do hoc [illegible] cu [illegible] fossato ul cu [illegible] foss

uel [illegible] ul medietate [illegible] fossati sepis u

muri ul arbe que [illegible] tali [illegible]

[illegible] quicquid ipi rei [illegible] inest. ut ue

do tibi hanc domu. cu [illegible] et

[illegible] possessio [illegible] uel

[illegible]

[illegible] contingerit pone exemplum. [illegible]

[illegible] principali [illegible]

[illegible] et [illegible]

[illegible] quod [illegible]

[illegible] hec [illegible] tibi hanc domu

cu [illegible] post ei. et [illegible]

et [illegible] eos [illegible]

[illegible] cessionis [illegible]

[illegible] cui debet [illegible] fructus

I [illegible] uendite fructu [illegible] [illegible]

[illegible] et uendicione rei

cui fructus ipi debet. sed quia inhec [illegible]

[illegible] uenit [illegible]

[illegible] cessio [illegible]

[illegible]

[illegible] que [illegible]

[illegible] cessione [illegible]

[illegible] fecerit

[illegible]

Fructum [illegible]

fic et quibus [illegible]

[illegible] cessionib [illegible]

[illegible] fructus [illegible]

[illegible] et non colligit. q [illegible]

[illegible]

fructus [illegible] non potest [illegible]

[illegible]

[illegible] fructus sit uendit

[illegible] fructus rei uendite [illegible] debetur

firmiū. ff. in. l. et. ff. de ...

Instit. nec ptis p indiuisso alic' r ei

... ter dom

... m uendas. Ser mo

... monstrans ...

... ut ...

... selo intellectu ...

sistit. quicq; ... cū alio ...

siue ex scientate ul' hereditate ul' alia quac

que pte suā alienare pot ...

... alienatio. l. falso. et. C.

... communione

... si nesciri et similibus ... te uolo. qd' ...

ligere ... ptem uenditā ...

... ut tantus et id quotā partem uendas ...

... et si quis. C. quest ...

... si autem uendas pte fundi ...

... nomen filiax. C. possionis. ... ut expmas con

... ut tantus poni ... uendire ...

pars ... indiuisa ... confines. ...

... pcedit ... ita ut expmas ... intelligere ...

... bus pui et fontainbus ... que

... concurrentes ...

... l. si quis ...

... et fit ... emptione ...

Q ... cōtractibus ...

niti pos ...

uenditū ...

...

sicut ...

... quod ...

ut. C. de platoibus. l. cū pass. ... apparet

de ... uoluntate ...

... ut. C. de hbis ... l. ex hi. l. si quis filius

... et. C. de

... Instit. ... pro diuiso alicuius

Item ...

Q ... de pte indiuisa ...

pte diuisa et ab alias separata ...

... ut puta ...

... et determinata pte ... fundus ...

... ne ... magnus ul' puus ...

... pte ...

... ut ... sola pars ...

...

... et ...

... ff. comi diuid. l. si quis ... et id si aliam

... domus ... quelibet pars sine

signis ... non tū pse

domus e. et ppea non pot [illegible] de ipa [illegible]

quia nulla e domus [illegible] adiciat in [illegible]

m[illegible]do sic de qualibet pte fundi pot dicere

fundi unu. sic g in isto divisionis partis

divisse aliam domus. dices dedit vendidit di

mediam ul cuam ptem unius domus site i tali loco

infra tales ofines. s. ipam dimidia ul cuam q e a

late mane ul [illegible] late ppt testes [illegible]

et hinc e q hb signa e exemplu posuit solomo

s pe domus. It no ad plurim [illegible]

contingit q quia unu latus domus [illegible]

[illegible] meliusul carius [illegible] forte de

hedifficator ul [illegible] illa pars que mino

ris valoris [illegible] ut fiat

ut divisio equalitas. et ut [illegible] unius

partis in maiori parte alterius [illegible] nam

in actionibus [illegible] equaliter

[illegible] equalitas [illegible]

de offo [illegible] familie [illegible]

[illegible]

[illegible] ut fi [illegible] partem [illegible]

[illegible] pte [illegible]

[illegible]

[illegible] latitudinis [illegible]

[illegible]

Ite[illegible] ibus precedentibus [illegible]

dictis e de precio vendenti[illegible]

[illegible]

venditio [illegible]

vendere. ff. et ca pare [illegible]

commun [illegible] et noie dni vendere [illegible] et

ondens alienat re et transfert in accipi

ente rei vendite dominium et possione sicut

ius eadē potest. ut in institut. de re. divis

[illegible]

[illegible] ff. de [illegible]

[illegible] ¶ Item no. q ex [illegible]

[illegible] et [illegible]

[illegible] obligavit. ut [illegible]

[illegible] ¶ si [illegible]

[illegible] ff. de [illegible]

[illegible]

[illegible] ff. [illegible]

[illegible] allegata ff. de

[illegible] ¶ Item

[illegible] vendita [illegible]

fiat [illegible] quibus hinc [illegible]

vendicio nomine pensi[illegible] cuius [illegible] et debet
[illegible] renovatio [illegible] [illegible] C [illegible]
ci venditor vult vel [illegible] utrum sit res propria [illegible]
alii vel sine aliqua conditione [illegible] et
tunc se liberat [illegible] ad istam alteram [illegible]
si proprium imperpetuum si conductam [illegible]
salvo iure domini. quod dicitur. si res est propria [illegible]
eam ut propriam imperpetuum. si e conducta [illegible]
cum illa conditione [illegible] et ad tale
modum [illegible] [illegible] et quia [illegible]
[illegible] [illegible] permittit, est [illegible] valde late [illegible]
se ad omnes conditiones. solent emptores [illegible]
[illegible] [illegible] [illegible] ad solam conditionem pen
sionis et renovationis [illegible] [illegible]
[illegible] in renovatione et pensione [illegible] res con
ducta est non recipio [illegible] nisi cum conditione pensionis
C Quintus modus est quando
venditor [illegible] quod rei vendite pars est propria
et pars conducticia. sed [illegible] ignorat que et quan
ta sit propria. et que et quanta sit conducticia
et [illegible] quod proprium imperpetuum. quod conducticium
[illegible] C [illegible] et [illegible]
[illegible] quando [illegible] que et quanta sit pars
propria. et que et quanta sit pars conducticia. et [illegible]
[illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] quod venditor [illegible]
et [illegible] [illegible] et [illegible]
[illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] emptor
[illegible] [illegible] in eo [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible]
[illegible] [illegible] ignorabat si sciebat et [illegible]
[illegible] [illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible] venditor. eo quod non [illegible] [illegible]
[illegible] qui sciunt ut dicitur est. nec [illegible]
quod ignorant. [illegible] [illegible]
[illegible] [illegible]

[illegible] si [illegible] debeat [illegible]
[illegible]
[illegible] [illegible]
[illegible] sed solamodo
[illegible] hoc est ad restitutionem [illegible]
[illegible] quam non [illegible] si [illegible]
illi [illegible] [illegible]
si minor. et [illegible]
[illegible] sic [illegible] [illegible]
fuit [illegible] emptor [illegible]
[illegible] [illegible] [illegible]
[illegible] quanto non [illegible]
si [illegible] tenetur ut [illegible] de venditione [illegible]
l. quotiens [illegible] [illegible]
fiat. C Si non [illegible]
[illegible] quam [illegible] rem [illegible]
[illegible] minoribus [illegible] [illegible] tenetur
ut [illegible] et [illegible]
[illegible] et [illegible] l. si minor. et [illegible]
[illegible] non debet [illegible] emptor. qui [illegible]
[illegible] [illegible] si venditor [illegible]
[illegible] non [illegible] ut
[illegible] [illegible] [illegible]
[illegible] ita [illegible] nulla [illegible] debet. si aliqua
appareret. [illegible] tenetur. aut [illegible]
[illegible]
[illegible]
[illegible] [illegible]
[illegible]
[illegible]

[illegible]

H [illegible]
[illegible]
[illegible]
[illegible] [illegible] aliud ex parte [illegible]
[illegible] non ex parte [illegible]
[illegible] C Supra [illegible]
[illegible] quis rem alienam vendere possit [illegible]
alienare [illegible] [illegible] alienatio
et [illegible] [illegible] alienari [illegible] [illegible]
certis casibus et [illegible] quibus res aliene [illegible]
[illegible] alienatio. quos et quas et [illegible]

rem intueri.

[illegible] in his rebus non alienandi in totum intelli[illegible] gimus de dicta de alienis rebus pro parte quantum [illegible] [illegible] in parte quo ad [illegible] ut ff. de pig. l. [illegible] ut ff. si quis [illegible] l. sed et si quis. §. si quis. ff. de rei uen. l. [illegible] de com.

¶ Hic tamen non inutilis pot distinctio fieri. quia qui aliquis rem aliquam [illegible] pro [illegible] communis rem uendidit. aut res illa communis erat ex societate aut ex hereditate [illegible] aut aliunde [illegible] sociatur et ille socius uendidit ei qui aduenit dendum emendum ne aliorum uoluntate. ut [illegible] [illegible] destinata sit transferri [illegible] ut partem domi[illegible] in accipientem [illegible] licet partem meam socio pro actione pro socio communicari debeat. res tamen propter [illegible] uendicari non pot. quia ut dicitur [illegible] [illegible] alterius uoluntate distrahere [illegible] et hoc [illegible] [illegible] ad [illegible] expresse dissentirent [illegible] fraudem committeret. et sic potest intelligi. ut ff. pro socio. l. nec. et ff. si certum pe. l. si socius [illegible] huiusmodi [illegible] [illegible] Si autem rem [illegible] ex hereditaria [illegible] aut aliunde [illegible] eorum [illegible] uendiderit [illegible] in quibus [illegible] agere possim [illegible] pro parte [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] possum semper uendicare [illegible] aliena [illegible] quibus rei alienatio [illegible] permissum est [illegible] [illegible] alienationem [illegible] ut [illegible] post alienationem ratum [illegible] [illegible] [illegible]

[illegible] quia [illegible] [illegible]

[illegible] rei uendite et tradite pignorato [illegible] [illegible] quod si [illegible] erat [illegible] ut ff. de [illegible] [illegible] et C. de [illegible] l. [illegible] [illegible] [illegible] pignoratore [illegible] pignorantibus usucapere tamen non possumus [illegible] primo [illegible] nostra scientia. ut ff. de acq. possessione. l. i. et ff. pro socio. l. ii. actio tamen [illegible] [illegible] et non [illegible] est [illegible] pignoratore [illegible] soluendo. ut ff. de act. empti. l. [illegible] §. si pignorati et de in litem. l. i. et [illegible] [illegible] non [illegible] nobis actio non acquiritur. ut C. [illegible] [illegible] nob. l. i. et ff. de [illegible] [illegible] oportet ut pignorator actionem [illegible] et pignoratorem in rem [illegible] me faciat. quod facere tenetur uelit nolit coactus per act. mandati. ut ff. de acq. possessione. l. primo. §. i. et ff. mandati. l. si pro curatorem [illegible] ut pignorator [illegible] caueat de facto suo [illegible] illi emptam non pignorauit. uel [illegible] non constituit bona fide enim [illegible] pignoratorem. ut ff. mandati. l. de tuo et l. sequenti in prin. Scias autem [illegible] ga significatione. et [illegible] nuncius sit pignorator. sed non quilibet pignorator est nuncius. Nuncius enim est qui uicem gerit epistole [illegible] uelut pica et organum [illegible] mittentis [illegible] et recitat illud [illegible] puta. [illegible] me dominus ut [illegible] [illegible] [illegible] et si ille responderit uendo [illegible] [illegible] et acquiritur [illegible] actio [illegible] [illegible] [illegible] alterius ministerium interuenit ut ff. de obl. [illegible] l. qui [illegible] et l. licet. et [illegible] [illegible] l. si quis solutionem §. si et [illegible] [illegible] aut damnum [illegible]

¶ Item [illegible] rem [illegible] [illegible] potest [illegible] licet dominus constet ex fundum [illegible] [illegible] ex solo et [illegible] ut ff. de rei uend. l. [illegible] et ff. de usufr. l. cum qui aedes [illegible] uendit [illegible] superficies [illegible] hereditarium super [illegible] [illegible] superficiarius uocatur ille qui in alterius solo superficiem [illegible] puta. [illegible] domino soli ex locato concessit super solo [illegible] [illegible] et de tali locatione [illegible] in quinto [illegible] pignoribus locationibus. [illegible] iste superficiarius [illegible] si ad non modicum [illegible] [illegible] soli nullam possessionem. Item [illegible] empty[illegible]

[illegible] ut ff. si ag. uectigal. uel emphit. petat. l. i. et ff. de superficiebus. l. i. § superficiarii. Item et in dicto tit. de superficiebus ne tiat. [illegible] uti fruitur uti fruitur ex lege locationis. ut ff. de superficiebus l. i. Et ideo superficiarius si hedificium suum uendere uult tenetur [illegible] exemplo ut equum ad ius emphyteote. [illegible] tere prius dominum solum et precium et quantum [illegible] ab alio accipi potest. et si dominus pro eo precio emere noluit tenetur [illegible]. Si uero dominus [illegible] denuntiatione statim dixerit se nolle emere [illegible] [illegible] cui sine [illegible] alii uendere et ius suum in alium transferre. ut C. de iure emphy. l. [illegible] cum dubitatur in prin. § i. emptor. ut debebit actione [illegible] ut ff. de acquir. possess. l. prop. § [illegible] quia non debet quis melioris conditionis esse. quam auctor suus. actor a quo ius in eum transiit. ut ff. de regul. iur. l. nihil. § non debeo.

Institutio ne facere actuatore de re pupilli.

Iam dictum est de partitoribus uendentibus et ementibus. sed quia quasdam alias personas pro aliis gerentes officium [illegible] puta tutores et curatores et similes uendentes nomine illorum quorum gerunt officium [illegible] contingere. ponit subsequenter de tutore uendente [illegible] quibus [illegible] modis et qualiter [illegible] tutor et [illegible] officio [illegible] non [illegible] quia hec in septimo capitulo supra [illegible] intelligitur.

Tutor [illegible] quod tutor est [illegible] qui [illegible] constituitur ad gerenda pupilli negotia. unde dicitur tutor a tuendo. quia tuetur eum qui propter etatem se defendere nequibat. in illo autem loco tractatur qualiter uendere [illegible] a tutore de re pupilli sine ab ipso pupillo uelint et possit. Igitur casus quod si [illegible] de rem pupilli sui [illegible] ipse pupillus. [illegible] maior infante cum auctoritate tutoris uendidit et tradidit et [illegible] [illegible] et [illegible].

[illegible] in deliberatione pupillari [illegible] de iure ordine [illegible] tutores et curatores [illegible] [illegible] ut C. de administratione tutorum l. i. et ff. de [illegible] [illegible] dubitatur [illegible] q. licet [illegible] ipso iure tenetur. tamen si pupillus [illegible] se lesum impetrabit restitutionem in integrum. ut in prin. l. i. et de pre. [illegible] minor l. siquidem. nam quamuis propter solemnitatem iuris [illegible] ipso iure teneat [illegible] quia non teneret. tamen non ideo priuatur beneficio restitutionis. immo nondum restitutio non exacta quia de iure tenet. [illegible] de iure non tenet [illegible] minor est tutus de iure [illegible] et ideo tunc beneficium restitutionis cessat. ubi autem ordinarium auxilium locum habet cessat ordinarium restitutionis in integrum. ut ff. de minoribus xxv. an. l. [illegible] in prin. et ff. de [illegible] l. [illegible] fine. [illegible] implorat [illegible] de iure [illegible] concessum est. ut C. de [illegible] l. [illegible] et de hac restitutione tractatur in [illegible] rubrica de [illegible] in utilibus [illegible] personarum. [illegible] quo possit alienari res pupillaris [illegible] quia [illegible] res pupillaris distinguere quia [illegible] [illegible]

[illegible] maior infante [illegible] tutorum sine [illegible] [illegible] administret. ut C. de administratione tutorum l. lex que tutores [illegible] alienaret et [illegible] in ipsis rebus [illegible] [illegible] officio [illegible] [illegible] tutor qui [illegible] tutores et [illegible] [illegible] que [illegible] [illegible] [illegible] [illegible] [illegible] ut ff. de minoribus l. [illegible] [illegible]

possit uel sit spolia et alie res preciose que custodia p
luriente non possunt uel hoc uel uenditio tene
ut necessaria sit terra. sed ut uenditur ob es alienum et
[illegible] uenditur et ut [illegible]
[illegible] plenum sigillati. illa distinctio [illegible]
[illegible] ob es alienum exponendum [illegible]
[illegible] pupillo [illegible]
pupillus [illegible]
debeat [illegible] ob es alienum [illegible]
[illegible] ob es [illegible]
post alienatio [illegible] pupilla [illegible]
[illegible] pupillo [illegible]
[illegible] tutoris auctoritas [illegible]
[illegible] tutor [illegible]
[illegible] alienare uellet [illegible]
de simplici donatione [illegible]
[illegible] non alienandis [illegible]
Item quod dicit tutoris auctoritas [illegible]
[illegible] nulla [illegible]
[illegible] intelligendum [illegible] pupil
[illegible]
[illegible] tutor [illegible] auctoritas [illegible]
[illegible] tutor [illegible]
[illegible] negotiori
[illegible] estimauit [illegible]
[illegible]
[illegible] uendo [illegible]
[illegible] tutor [illegible]
[illegible]
si negotio fiunt [illegible]
[illegible] si quis bona [illegible]

V[illegible]
[illegible]
[illegible] tutor
[illegible] auctoritate tutor
[illegible] Item pupillus [illegible]
[illegible]
minor [illegible] si quis [illegible] tutori
[illegible] imponat [illegible]
[illegible]
que querit possit uel in fructibus [illegible]
in reditibus [illegible]
[illegible]
Vt [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] uel [illegible]
V[illegible]
[illegible] quod desiderata fuit
alienatio [illegible]
[illegible]
[illegible] quod desideraret fuit alienatio uel [illegible]
[illegible]
[illegible] tutori pupilli [illegible]
[illegible] Item ut [illegible]
[illegible]
[illegible]
[illegible] legittime imponat

[illegible] cup rubrica de [illegible] in uemoni[illegible]

[illegible] rigi uel mentecapti. et q° tieri debet uen dictio ob eo. ithem plat cum tutoribus eor et ipoz reo in mobiles uenot [illegible] obligari no possunt [illegible] utilitate [illegible]

[illegible] ne minor ut [illegible] C Si aut hec [illegible] obseruata nō fuerint [illegible] alligatū allegaci nō f [illegible] fet falso nulla ē pmissi [illegible] tio. Set et manet actio pupill [illegible] inrem p pc̄io et plus tutelle uel nego ciorum gestor q̄ tutores uel curatores ut. ff. de periis minor [illegible] et l. quamius. *Instrum ue fce acomiss [illegible] auctoritate o licēcia [illegible] testatoē [illegible]*

In uenticiis libri [illegible] de psonis reo. alienum [illegible] pendentibus inim [illegible] tractare. cū iā de pluribus dixerit [illegible] quibus [illegible] sariis reo testatorum uendentibus. et ex mandato et auctoritate eos ab ipsis testatoribus attributa [illegible] at in hoc loco [illegible] l fideicomissari uel executor ille [illegible] aū fidei testator [illegible]

[illegible] uel aliquis de bonis suis in pia uel cer [illegible] quidē comissarius de signatus a testatore exigē pot legata ut impleat uoluntate testatoris [illegible] hoc simpliciter uex ē. hic [illegible] electus ē ut aliquis distribuat p ua testa toris siue uero cum executor sm canoni stas. siue fideicomissarius sm legistas. aut iste electus ē ut simplex minister. tibi gra [illegible] testator talis [illegible] instituo. et uolo q° talis compater meus [illegible] amicus [illegible] quasi

[illegible] regulariter non hr petitionē. set solutū [illegible] l. i. l. [illegible] in pri C Set fallit in casibus i quib simplex minister h̄r petitionem et actionē [illegible] C Nam [illegible] qui [illegible] si nouati hic dix testator. puta dixit talē in dū heredem instituo et do compatr meo uel ami meo. lego [illegible] quas uolo q possit petere et p aīa mea distribuē. ut. ff. de legatis [illegible] [illegible] q sic [illegible] C Item [illegible] hr in relictis ad pias cās. ut si quis reliquat p redēptione captiuor. uel relinquat [illegible] uel aliqs p aīa sua. ut. ff. de alim et cibari [illegible] [illegible] C Si aut quis ē electus a testatore nō ut si plex minister set ut legatarius. puta [illegible] testator. C Tibi relinque de quibus. C uo lo q° retineat quī quagenta. alias distribuat distribuat inē paupes p aīa mea. iste in distin te pot petē et exigē. ut. ff. de legatis. ij. l. si quis atō inpem. et. ff. de lega. tio l. [illegible] no. C Set non sine cā quēt pot an mi ster quibs cāibus [illegible] peti [illegible] uel [illegible] nomine petitionis. si [illegible] sponte et soluit an [illegible] [illegible] non [illegible] quin officio suo non [illegible] ut. ff. quē ad modū. testa. ap. l. si quis. et [illegible] erogasse. ut. ff. de donation bus. l. si quis [illegible] et solet aliqn ipsis comissariis [illegible] testatore potestas et au ctoritas uendendi et alienandi de bonis testa toris p soluendo legato. [illegible] de uoluntate testatoris. nā et hoc mandatū post mortē [illegible] sentur et mandatū [illegible]

[illegible]

scilicet per librum ē cuilibet. [illegible] aut

[illegible] demū

[illegible] mandatum [illegible] poss [illegible] potest

[illegible] uendē. [illegible] et [illegible] ut illud [illegible]

[illegible] equen [illegible]

[illegible] notorios. [illegible] huiusmodi consiliarios fuit nar

ratum est [illegible] et [illegible] que quam [illegible]

[illegible] uendendi potestas faciendo mentione [illegible]

[illegible] et [illegible] et de ipsa potestate eius [illegible]

[illegible] fie. [illegible] ipsos non [illegible]

tenē inmediate testes quia ibi ē materia [illegible]

Institutionum. [illegible] rei permutatois. [illegible]

[illegible]

equiuus [illegible] que [illegible] specificata [illegible]

de rerum permutatione .l.

[illegible] ut bos [illegible]

[illegible] aut [illegible] ut bos

[illegible]

[illegible] ut [illegible] ff. de [illegible] lib. l.

[illegible] fermē fuit [illegible]

[illegible] similes [illegible]

[illegible]

et [illegible] Ve in aliis fuit simil [illegible]

uendicio et permutatio. quia fiunt uno de

[illegible] et uenditor [illegible] bone l. [illegible]

[illegible]

[illegible] differunt quia uenditio [illegible] solo

[illegible] ut [illegible] obligationis que

ex consensu [illegible] nomini. permutatio autem non

[illegible]

[illegible] etiam et parte [illegible]

[illegible] Ceterum [illegible] permutationis ut [illegible]

[illegible]

permutationis re nulla [illegible] secuta [illegible]

aliqua competit actio. ut. C. de rerum permutatione

l. ex placito. Item in uenditione alius

ē emptor. alius ē uenditor. sed in permuta

tione [illegible] permutator. Item in uendi

tione emptor cogitur facere accipientis [illegible]

sed et uenditor non tenetur facere emptoris. [illegible]

[illegible] quod uenditor [illegible] se obligat ut

ff. de act. empti. l. ex empto. [illegible] alienē uendē quis posse nulla dubitatio est.

ut [illegible] in permutatione [illegible] rem a. se datā cogitur

facere accipientis. et hic ē quod dicitur ff. de rerum p

mutatione. [illegible] distinguitur quia [illegible]

rem non suā sed alienā permutauit. tenetur [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ut. ff. de rerum permutatione. l. [illegible] et [illegible]

[illegible]

[illegible]

[illegible] de [illegible] sufficiat. N [illegible]

[illegible] est [illegible]

[illegible]

hoc instrum ptum distinctione recipit p partes et partim p capitula. Nam circa principium sunt due pmutationes et due res pmutate. [illegible] due partes distincte et divise [illegible]

[illegible] Et hec notam [illegible]

[illegible] de pmutatione facta et re pmutata [illegible] et in unaquaque parte exprimitur qualitas et quantitas et conditio rei pmutate. post has duas partes ponuntur tria capitula [illegible]

[illegible] In quo agitur de uendita re pmutata [illegible] possessionis traditione [illegible] pmittens [illegible]

[illegible] de pena [illegible] utraque parte [illegible] promissa. Et procedunt hec tria capitula [illegible] mutuis et [illegible] omnis pleniaad [illegible] possessionem tradit. et legitimum [illegible] rium ab aliquo super hiis penam ad [illegible] sic hec omnia [illegible] exemplum

Instrum rei pti ue [illegible] pmutationis

P[illegible] de pmutatione [illegible] rei ad aliam dictum est. quia plurimum contingit [illegible] huius pmutationis [illegible] pecuniam super [illegible] tum [illegible] et [illegible] iste [illegible] [illegible]

L[illegible]

[illegible] rationis insolutum [illegible]

[illegible] in notariis

uo ut facias ex quo [illegible] actio [illegible] sicut [illegible] tonius domini [illegible] est [illegible] instrumento uenditionis. et [illegible]

[illegible] uenditionis agit de [illegible] agitur in [illegible] rationis insolutum [illegible] debitum [illegible] insolutum. et sit [illegible] et de instrumento debiti [illegible] cum ipso a [illegible] et agitur [illegible]

[illegible] accipiente [illegible] debita remaneat penes eum. non ut [illegible] fiat exactio debiti. set ut [illegible] sit in [illegible] ratio facta sit et que [illegible] debiti [illegible] non [illegible]

[illegible] ypothecata [illegible] mo [illegible] habebit [illegible] quibus ipse [illegible] ratio insolutum [illegible] et [illegible] ratione [illegible] exactio debiti [illegible] de re [illegible] parte [illegible]

[illegible] sit competens [illegible] cap. aurea [illegible] eadem aurea [illegible] debuit [illegible] male sit dominium [illegible] et ita [illegible] ad [illegible] non debuit dicere [illegible] dominium [illegible] respondendo [illegible] ad heredes dicens [illegible] non vendit simpliciter [illegible] dominium [illegible] vendit dominium rei [illegible] res [illegible] non potest [illegible] Nam dicto [illegible] alie res [illegible] possunt ut [illegible] [illegible] non [illegible] simpliciter [illegible] dominium [illegible] dominium rei [illegible] res [illegible] aurea [illegible] per alias [illegible] sequitur [illegible]

Instrumentum [illegible] dominii [illegible] proprietatis

Quedam vero instrumenta sicut patet habentur in quibus agitur de rei plene translatione et quo ad dominium quo ad proprietatem et quo ad possessionem civilem et naturalem. Illa scilicet quae a veris dominis venduntur et traduntur sive iure proprio et sic est eius [illegible] de rebus emphyteoticis [illegible] instrumentis de rebus emphyteoticis vendunt quantum ad solam naturalem possessionem. cum ipsi solam naturalem habent ipsamque solam transferre possint. Nunc autem supponit de quarta re vendita. quantum ad dominium vel proprietatem. et quantum ad civilem [illegible] et non quantum ad naturalem. quia emptori naturalem debet et erat vasallus sicut patet per exemplum. Nam cum aliqua res in feudum conceditur apud dominum remanet proprietas et civilis possessio. sed ad vasallum sola naturalis pertinet. quia ille est qui habet naturalem possessionem. sed fructuarius [illegible] et vasallus ut ff. [illegible] et de [illegible] habeat utile rei venditionem sicut emphyteota. ut ff. si ag. ve [illegible] emphyteot. petatur l. i. et de [illegible] l. i. C. quod agitur. **E**st enim causa instrumenti [illegible] dominus istius rei transfert in eum quasi [illegible] totum quod apud se remanserat. scilicet dominium et proprietatem et civilem possessionem. et hoc patet per [illegible] tradidit. hec significat dominium translationem ut in [illegible] de [illegible] dicte [illegible] proprietati.

[illegible] proprietati res sit incorporalis ut ff. de acq. poss. l. [illegible] sunt incorporales. [illegible] simpliciter [illegible] dominium rei. [illegible] rei et [illegible] [illegible] res incorporalis [illegible] res corporales [illegible] non transfert [illegible] rei venditionem ut ff. de rei. ven. l. si ag. in [illegible] [illegible] l. si agitur in fi. [illegible] directa [illegible] legatarium [illegible] non pertinet [illegible]

instrumentis firmamus. **E**st ergo necesse [illegible] dominium transferit ad [illegible] [illegible] quia traditionibus. et usucapionibus rerum dominia acquiruntur [illegible] transferuntur. ut C. de pac. l. traditionibus. licet [illegible]

[illegible]

est tamen dominium quantum est ad dominium et proprietatem. **N**ec quod de corporalis rei traditione [illegible] intelligi debeat [illegible] per hoc [illegible] [illegible] Nam possessio est solius rei corporalis [illegible] [illegible] quod in hoc capitulo de possessione utile [illegible] hec et constituit se eam [illegible] dictam rem ipsius emptoris nomine possidere usque quo ipsius rei possessionem acceperit corporalem et cetera. quia ille est unus de modis acquirendi possessionem. ut ff. de acq. poss. [illegible]

Instrumentum rei vendite ad cuius deffensionem [illegible] cum [illegible] se obligat venditor [illegible] [illegible] et [illegible] auctor.

L[illegible] a. prius instrumento venditionem [illegible] personas [illegible] circa res vendenti [illegible] possessionem traditionem [illegible] [illegible] exemplis quod oportet plurimque formam [illegible] diversitatem negociorum et casuum [illegible] de [illegible] supra [illegible] capitulo de emptione. et supra vi. [illegible] mutatum [illegible] et sequens. in quibus exemplificat qualiter quandam [illegible] pena. que [illegible] duobus [illegible] [illegible] [illegible] et [illegible] in quibus forme [illegible] emphyteoticis quia si vendita non [illegible] indifferenter [illegible] formam vel personam de emptione [illegible] sicut se [illegible] venditores precedentia instrumenta. **P**[illegible] proponit tale thema. Antonius nomine [illegible] et ad eum pertinet a Philippo domini [illegible] et [illegible] Antonius [illegible] solvit et possessionem accepit. et de evictione sibi stipulatus est. nulla de [illegible] habita mentione. et sic [illegible] emptione [illegible] res eadem. quam [illegible] est in dominium Antonii pervenisse [illegible] obligatur

C.

omnibus eius creditoribus. cum enim postea ageretur inter antonium et ... que dicitur ... eidem antonio venditionem eiusdem rei facere. dixit antonius et cavisse de evictione rei et ... restitutione obligavit vel teneri nolle [illegible] ... eius foret ... aliquis ... ... vel obligatione dicti antonii ... et ita per pactum actum est. unde agi oportuit ... ipso. l. neque antonius tenetur ... [illegible] ... et in ... quia non ita ... ageretur. nichilominus tenetur antonius etiam ... de evictione eo quod venditor quamvis non caverit de evictione tenetur tamen ... nisi agatur in ... [illegible] ... tione. quamvis non teneatur ad ... restitutionem ... ad ... restitutionem bene tenetur ... tamen sit quod non teneatur ... Et ista ... C. de commun. ... alienatione. l. ... [illegible] ... et C. ... l. non dubitatur. et cum dicti ... sequenti ... ut ... omnem personam ... [illegible] ... antonius concessit ... vna ... ad ... qui ... venerit et ... alii personi indifferenter de ... ut ... cessione ... sit ... antonio. Et sic non ... [illegible] ... antonio ... creditores ... obligationibus ... ... de cessio ... in quarto ... [illegible] ... e notulis in fine ... [illegible] ... sic ita venditor se obligat de ... suos creditores. et ... obligationibus ... [illegible]

... talis est casus. Antonius vendidit ... ... antonius ... et reddere dictam rem. quod pactum tenet et ... est. ut. C. de pactis inter emptorem et venditorem ... l. ii. Cum igitur hec conditio ... oportet venditionem et ... rei facere antonio. debuit ... de evictione ... suos creditores et debet expresse agi ne de evictione aut ... [illegible] ... non debet fieri. quia non potest ... ad ... de ... l. ... qualiter ... pactum de restituendo et retractando. et qualiter ... retractatio fieri debeat habetur infra in ...

Nam in precedenti instrumento ... et notula de pactis ... adiacentibus ... cautionis forme sit instrumenti. ... de pactis ... [illegible] ... a venditore ... ut. ff. de actionibus ... l. ... et ... super evictione ... [illegible] ... [illegible] ... multa pericula ... [illegible] ... et facultatibus venditoris non ... tenet ... [illegible] ... ff. ... l. i. ... Sexta ... super duobus ... rei venditione et super evictione ... de ... venditionis ... Dicto quod ... [illegible]

[illegible]

qd [illegible]

[illegible]

reddat ne [illegible] qui aliqui [illegible] ut po

test non interest esse traditam vacuam possessionem. Sed ut

machetur ita emptor ut potior sit ea per se quam il

lius aliud sit ipsum sit in ea. [R]i [illegible] ea casu pro

aliquis ea le[illegible]

non interest esse traditam vacuam possessionem ut ff. de actionibus

empti. l. ii. §. netacius rem. Set licet ita sit tunc

sit. nichilhominus in hoc loco venditor per pactum

[illegible] et empto

rem infert in [illegible] per illud no

[illegible] quam [illegible]

aliquo de lata [illegible] de emptore super evictione

eum [illegible] res evicta [illegible]

[illegible] contingat. si eum emptor [illegible]

[illegible]

[illegible] vel cum emp

tor contendit. d. pone sine sua culpa. et ab alio

possessore petit possessionem absolutione [illegible] emptore

ut ff. de evic. l. evicta in prin. §. simple aut

possessore promisit emptore potiorem facere [illegible]

no sit [illegible] eum ipse [illegible]

[illegible] in [illegible] committat [illegible]

[illegible]

[illegible] plane at [illegible]

[illegible] emptor [illegible] venditor

[illegible]

[illegible]

[illegible]

[illegible] super evictione [illegible]

[illegible] super evictione [illegible]

[illegible]

et [illegible] quem et [illegible] evictione [illegible]

[illegible] vendito [illegible]

[illegible] in isto [illegible]

[illegible] ab alio [illegible] accepit

[illegible] alio [illegible]

[illegible] res evicta emptori [illegible]

[illegible]

[illegible] et tunc incip venditor [illegible]

net. l. quia res est evicta emp [illegible]

fiat. [illegible] Non tamen emptor pro

re sibi vendita contra venditorem agere potest de evi

[illegible] permutata [illegible] permutata. [illegible]

[illegible]

[illegible] qui accepit in solutum rem pro quantitate

[illegible] de evictionibus. l. si p

[illegible] l. an. p. et [illegible]

[illegible] pro re donata et dotata. si sint

[illegible] de evictione aliquin no. ut. c. de dona

[illegible] de evictionibus

[illegible] pro re extimata [illegible]

[illegible]

[illegible] super [illegible] et [illegible]

[illegible] quia [illegible] ff. et [illegible]

[illegible] de evictione [illegible]

[illegible] res [illegible] legi

time evicte [illegible] de evictionibus.

[illegible] qui res [illegible] que nullo posset [illegible]

[illegible] legittime evicta. set [illegible]

[illegible]

ut [illegible]

[illegible] ut ff. de [illegible]

[illegible] qui vendidit [illegible]

[illegible]

[illegible]

[illegible] aliena esse possit

[illegible] de evictione

[illegible]

[illegible]

[illegible] evictione ager ei

[illegible]

de evictione, l. evicta. et [illegible] ad omne id quod sint ex

stipulatione promissi. sive id sint duplum sive

[illegible]

sive promissa fuerit expensarum refectio. [illegible]

[illegible] triplo [illegible] et triplo et [illegible]

plus. ut. ff. e. l. si [illegible] l. si plus ut dictum

est [illegible] emptionalis [illegible] fallit hoc

[illegible] ut est [illegible] legi

[illegible] non agit ex stipulatione dupli

vel [illegible] ut. c. [illegible] leg. l. [illegible]

Contra venditorem ut ... plus ...
... defenditur ... emptor
... agat ... bona accipiat
... ffa ... si non
... et ...
... non ... eius posse culpa
... ista ... si sibi causa moveatur

... dotem aut fructus rei ... et ...

[illegible]

... in omne ... in stipulatione ... fuit
... primo ... dictum est ...

... plum. ut ff. e. l. emptum. § simpla ...
...
... interesse agi non posset ... pactum ...
... bone fidei non ... emptorem
... venditor ...
... ff. de actionibus empti. l. emptorem. § ...
... dictum sit ne ... de pacto ...
... de pacto non agetur ...
... bone fidei ... quod ...
... venditi. reductum ... ff. de act. emp.
l. ex empto. in prin. et ff. de pactis. l. ... et
in ... § ... et ...
... non ... emptor ...
... rem ... de evictione ...

... emptor agat
... de evic. ... emptor ...
... debet ... venditorem ...
defendat in ea actione. ut. C. de evic. l. emp
tor ... et. l. ... et ff. de evic. l. ...

... p ... ff. de evic. l. ...
... debet ...
... ut ff. de ... l. ...
... hominibus ...

... culpa ... negligentia ...

... ut ff. de
... venditor ...
... appellatio ... ut ff. de evic. l. ...

... non debet compromittere sine ...
...
... et ... ut defendat. aut ...
post ... in ea non ... et ...
... sua possessionem amisit ... sine ...
...
... ut ... aut ...
... voluntate ... agere ...
et ... non aget ... de
evic. ... repellet. et
... omnia ... ff. de evic.
... facile est ...
... et quidem ...
... venditi
... de evictione ...
remedio ...
... emptor ...
... et emptor ... agere ...
... pro ...

... et in eadem ... ipso
... causam ... si
... emptor ... ff. ...
...
... possessioni

fuit ...
... venditor ... pro ...
...

... de ...

... post ...

p̄llās

p ēēi potuit. quia legū

ferē sicla cū̄p ciū. cū culpa uł negligencia.

quia ... ut acciat aut quia

... no optuit aut pp aliqd

aliud q posset culpe sue uł negligentie ...

... r pēs ... potuit ...

... de eciei. si hostend̄ potiū ...

... si p impstamētū in ...

tent

... nd̄ iteo cumplur theom

ex clausula gnālī qua ... comprehendūt.

... dicas quā uendictionē et omnā et sīn

... omictas ... ena adumñ

pq dictos pecs et capitullo ... ūiceri

est in quolibet capitlo continetur. set p quali

bet uice qua eciā in uno eodem capitlo ...

erit in totum committat. ut ff. d. arbitris. l. i

duo in fine. pena enī conuencionalis quitaq

fiūc ergo pot. ... enī opetens ... tamen

... ob. duplū ...

... ubi qt et in quacumq re ...

posita ... ut i ... de ... dupl

donacionis ... uinos

[illegible] que in donata fiere
Iustis si damus [illegible] donantis [illegible]
[illegible] manuali muñere [illegible]
[illegible] crudelis insidiatoz
Ingratus dono [illegible]
Ingratum [illegible] dic me cum fregero [illegible]

[illegible] ationis [illegible]

[illegible] tē. ff. de [illegible]

[illegible] it mulier ff. sp̄os. Nā quem [illegible] post nuptias que vocat̄ anti [illegible]

[illegible] glosā in fi. de dotibus hic in summis. Et [illegible] alia que dicit̄ legatū. et alia que dici [illegible] mortis et de his dicitur in [illegible] notat̄ de ultimis voluntatibus. Ver. in hoc loco de [illegible] in hoc lib. [illegible]

[illegible] qualit̄ fiat. Et ex quib. [illegible] post. Postremo de [illegible] gre et [illegible] Donationes [illegible] liberalitas que nullo iure cogente [illegible] l. donatarii. mera [illegible] donati si fiat ex necessitate nō [illegible] legatis. l. item legati [illegible] et ideo dicit nulla [illegible]

[illegible] Si vero at [illegible] conditio est pura vel ficta [illegible]

[illegible] non pōt. ut de donationibus [illegible] ult. et de [illegible] l. quā [illegible] de alien. empt. [illegible]

[illegible] ob cam ut [illegible]

[illegible] donatio cā mortis ut [illegible]

[illegible] inter eā [illegible] e mere libe simplici [illegible] donatio [illegible] donatio ut ff. de donatio. ubi mortis [illegible] fieri at. et effectū recipit donatio. pōō. st[illegible] pullatione et [illegible]. Unde [illegible]

[illegible] Donatio [illegible]

[illegible] et pro recipit effectū. [illegible] pōō publi [illegible]

[illegible] consensu [illegible]

[illegible] ab sententes p nuntiū vel p epla [illegible] fieri pōt. ut ff. [illegible]

[illegible] cū [illegible] hoc ē q donator [illegible] velit donare et scripta inde fiat [illegible] plonis et non privatis. ut C. [illegible] [illegible] de iure [illegible] donationē [illegible] in notula in fine [illegible] traditione [illegible]

[illegible] vel equipollens ut in [illegible] fiant. nō tñ de evictione tenet̄. ut ff. de [illegible] l. aristo. in fi. [illegible] ex post facto fuit cautū. et hoc qn incipit a traditione. Si nō cepit ab ipa pactione sive promissione. et de evictione tenet̄ [illegible] quia qd̄ promisit donator nō adimpletur. ut [illegible] et de evictione [illegible] apparet. C. ubi [illegible]

[illegible] stipullationis [illegible] fieri p [illegible] ff. de v. ob. stipulationū. C. stipullatio at. Sic ergo et donatio cū necē iure stipullatē vel celebraret̄ stipulato cū donatio. ut. C. de stipullationibz. l. siquis argentū. C. si siquis [illegible] hodie at fieri pōt etiā donatio in [illegible] pōō [illegible] fieri pōt donatio [illegible] fuit causa cessat repetitio aliogqñ repetitio locū hē. ut. C. de [illegible] ob. cām [illegible] l. [illegible] l. et C. de dona que sb mō l. ij. et C. de [illegible] l. lege [illegible] donari pōt ex certo tpie. et ex incerto [illegible] post mortē mei. ut. C. ut [illegible] [illegible] incipiunt. l. [illegible] [illegible] qui necēe ē vel equipoll [illegible] [illegible]

[illegible] ex ingratitudine donatarij [illegible]

[illegible] ut dicit seneca nullū e [illegible]

[illegible] Et [illegible] si donatio [illegible]

l. unici.

et aliqui quos eciã . p[illegible] offensam ut ingratus patitur magnã penã . quia reuocat in [illegible] [illegible] ut . C . de libertis et eorum liberis . l . si manumis sus . Ingratitudo n. . ff . b . est uentus [illegible] . siccãs fontes pietatis ratione sue siccitatis . cum enim [illegible] [illegible] recipit debitor efficit et anti [illegible] debitorem [illegible] ut ff . de pet [illegible] . l . [illegible] et ff . l . com missaria . C . consuluit . Unde idẽ seneca . Bñficium accipe libertatẽ ẽ uendẽ ; negguntur . ut quis [illegible] gra referre nisi sapiente . sapiens n . ẽ ta [illegible] quantum accepit . a . quo . qñ [illegible] . q . [illegible] modũ sunt aũt cãe siue ingratitudinis quibus donatio pot reuocari quinq[illegible] . Primo si donatori[illegible] atroces iniurias in donatorẽ irrogauit . Scdã si impias manus in ieccit . Tertia si grãue dãpnũ sibi [illegible] intulit . Quarta si uite piclm inferre [illegible] Quinta si legem uł conditionẽ in donatido appositã nõ adimpleuit . ut C . de reuocandis dona tionibus . l . ult . et [illegible] iste cãe sine ingratitudinis locũ . sine donatarius sit filius emancipatus siue de liberis non existentibus in potestate do natoris siue extraneus . Uerũ si mater donans [illegible] [illegible] ad sa . uota nõ reuocat hic donati onẽ nisi in tribus casibus . C . si filius uite ma [illegible] [illegible] molitur . ut . C . de reuocandis donatẽ . l . [illegible] qui sol . et ãt ibi [illegible] que in capit . q mater . [illegible] si patronus sit qui donauit libero reuocat do nationẽ sola [illegible] obsequii nõ p[illegible] . ut . C . de reuo . do . l . [illegible] liberĩ aũt nõ reuocat patronus p[illegible] lum obsequiũ ĩ nõ p[illegible] . quia leuiẽ delinq[illegible] [illegible] [illegible] et sic intelligat . C . de li . [illegible] . l . [illegible] liberis . Secus ãt si libertus delinquit et leuit in [illegible] patronum . et casu [illegible] [illegible] lenẽ [illegible] que [illegible] in [illegible] posset re [illegible] [illegible] et sic [illegible] intelligi . C . de libertis et eorum libris . l . [illegible] Sẽ nõ . q si [illegible] [illegible] [illegible] [illegible] [illegible] successor eĩ donatariũ et [illegible] reuocari non posset . q hec [illegible] reuo [illegible] [illegible] ab [illegible] parte . ita ut [illegible] uł heredes [illegible] ratiũ [illegible] non posset [illegible] pere [illegible] . ut . C . [illegible] . l . ult . in fine . Nota eciã qd [illegible] interest multũ ĩ qua [illegible] [illegible] fiat pactũ q[illegible] donatione

nõ reuocabit [illegible] aliqũ ingratitudinis [illegible] ẽi pactũ non ualet . quia [illegible] et bonis moribus [illegible] ut aliqua ma [illegible] ingratitudinis comitẽ liceat ex pac̃o . et [illegible] tale pactũ q bonos mores [illegible] nõ est ut . C . de in [illegible] . l . [illegible] . Sed quia [illegible] donatarius . ad relinquendũ [illegible] do natores q ẽ nõ [illegible] . ut . ff . de pac̃is . l . si unus [illegible] argentariis . C . preterea . et . ff . de il . ob . l . [illegible] ẽi ad [illegible] . hũ . si tali [illegible] tionis [illegible] ual [illegible] [illegible] ẽ [illegible] [illegible] quo [illegible] [illegible] [illegible] . C . [illegible] donator et donatarius [illegible] donata [illegible] [illegible] . et p[illegible] de [illegible] hitẽ . et in hoc capitulo posset [illegible] cautio si de cuilẽ agẽt [illegible] et ultimũ ẽ pena . De[illegible] [illegible] q[illegible] donatio fieret [illegible] [illegible] [illegible] [illegible] illã condictionẽ in fine [illegible] posset apponẽ hoc mõ . quã condi[illegible]tionẽ [illegible] [illegible] et singula [illegible] fiunt [illegible] [illegible]

[illegible] . C . [illegible] [illegible] hec et hec

Institutio istius de concessionis

[illegible] [illegible] [illegible]

uõ de [illegible] alijs cũs . C . concessionis ĩ feudoũ . et emphyteosis . quibus sola possessio uel usufructus conceditur ẽ dicendũ . et p[illegible] mo de pheudi concessione . Uidendũ ergo ẽ quid sit pheudum . et [illegible] dicitur . Qui que p[illegible] concedere que recipe pheudũ possit . Item quali et quibus interuenientibus cõ cessio pheudi fiat . Et ad quos pheudum successione pueniat . Ultimo qualiter [illegible] ordinent . Feudũ ẽ rei immobilis ob omagium [illegible] concessio . et q[illegible] [illegible] colligit arg . in libro feudoꝝ titulo quibus casis feudũ amittat . C . Benefi cium quis dicit immobilis rei . [illegible] feudũ tm̃ [illegible] in rebus solũ uel in solo [illegible] posse concedi [illegible] in [illegible] que [illegible] immobilia computant [illegible] de camera uel canetia [illegible] feudum . hũ enĩ sunt [illegible] [illegible] . l . [illegible] [illegible] . puta soste in x . [illegible] [illegible] ut C . de [illegible] . l . ult . C . preterea [illegible]

Itẽ quibz excãis [illegible] [illegible] reuocet feudũ

cit' etiã obomagium .i. ob fidelitatē et fideli
tatis debitū dum .a. uasallo pstitū .unde
obmagiū .i. hominis actio / nam ex hoc uasallus
se agit hoiem dnī et eidē certis ex causis ppetuo
se supponit. In eo uō qd dicit beniuolla rec
te dicit. quia ex gra et bniuolentia fit. unde bn
ficium appellat in p̄sēti titulo. ¶ Bnficium.
¶ Et pro qd dicit concessio et nō translatio appa
ret. qd apud dnm remanet pprietas et directū
dniũ. ¶ Uasallus uō aquirit sibi usūfructū
et utilem possessionē. ut ff. de aquirenda po
ssessione .l. si uile. et l. pe. ē enim possidet et ht qi
dniũ et utilem rei uendicationē. ut ff. si ag.
uect. g. uel emphy. petat. l. i. ¶ Dicit aut
feudum .a. fidelitate uel fide. quã uasallus
suo dnō iurare et pstare tenet. ut in libro feu
dor. c. p quos fiat inuestitura. ¶ nulla fide
litate aut dnī ius iurandi. qd et uasallo pstat dno
ut ti. quid perdere debeat. ¶ Concedē pot
feudum archiepi. epi. abbas. et p̄positus si
ei sit consuetudo feudū dare. ¶ Si ex antiquo
eō nec et uiuasset. ut in eodē libro .i. titulo
¶ Et minores minime ut in ti. de nã feudi et fe
uerit ē si legitimã bonorū suorū hnt administra
tionē bonorum suorum alienare pphibet, nec pro
feudum dare credit. ut in titulo p quos fiat
inuestitura. ut c. de rebus alienandis. l. nlt
Nam in concessione feudi fit alienatio saltē u
tilis. domini. feminã quoqz. etiã nouum feudum in
uestiturã facē. plique consentiunt ut in c. ti.
¶ Siquis uō feudum et inuestiturã accipientem
non distinguit. nã fuiss in uestitura ponit. ã ps
uncia p̄senti. ut quia putatur lib uō. etiã
intell uel eu. an alicui in uestiturã faciat ut
recipiat pot ei. hoc negociū p nūciū uel pcura
torem a parte qualiz in uestitū. ut p regulã e
que possumus etiã p alios expedire. ut ff. de p
curatoribus .l. i. ¶ instituto. et que p alios
facimus p nos facē uidemur. ut ff. de admi
nistratione tutorum. l. penu aut. ¶ gesisse. et
ff. de in. et in. ac. l. i. ¶ dicebasse. Et hoc uer
ē nisi p̄ sic talis. q sola feudi debita sint nonq
mutus. furiosus. uel claudus uel alie ipsitur

Clerici et omis qui habitum religionis assumt
feudum recipere non possunt. ymo si hnt per
dunt ut in titulo, an mutus. Set minori .i.
impubi feudū dari pot licet fidelitatē quousqz
ad pubitatē uenit facē non cogat. ut in titulo
si de feudo et dūsia fuit. ymo si minor ante
pubtatē faciat fidelitatē non tenet, quia fideli
tas que pstat a uasallo dnō nichil aliud ē qi
iuramentū. ut ē dictū ē minor ante pubtatem
iurare nō pot. et si iurat suū iuramentū non
obligat. quia sacramenta puberum
sponte facta inuiolabiliter obseruant. Set si fiat
ab impubibus uō hnt aliquã firmitatem. ut
c. si aduersus uenditionē. Clementa aut femi
feudum concedi pot. et dicit feudum femini
ut in titulo de bn ficio feminei. Et fit feudi con
stitutio honorē dnī. et amore uasalli et p inuestitu
et non aliter. ut in titulo quibus modis feudū
constitui pot. Item debet fieri coram aliis uasall
dnī. uel coram duobus. si domus aliquos hnt uasal
los. aliquin corã quibuscumqz aliis uasallis,
et testibus ydoneis. Non quidē qd in uestitū nō
ualeat sine testibus. alias ut ubi. Set ne inter
oculter. et ne dicat. cui huiusmodi uestitura fi
ectur. set ut liquest in apto. ar. ff. de pignori
bus .l. si tur. et ff. de fide instrumentorum. l.
in re. c. ypotece noīe obligata. et fine huius uasall
quod fit. quātū inde c. quia uiq desiat his
aliquã plationes desistant ut ff. de testamentaria
tutella. l. duo sint dati. ¶ Est autem ppria
inuestitura qñ dns hastam uel aliquod corporeū
porrigit uasallo dicens se inuestituram facē ut
plane h omia in ti. quo fit inuestitu. Facta
uō inuestitura debet uasallus dnō fidelitatis
sacramentum pstare. Quod quidē et quale fiat
hēs in decreto inlitt. h. xx. q. v. de forma fidelitatis
nes. huiusmodi sacramenti diuisimode exornet.
huius itaqz sic factis, dno tenet uasallus in actuali
possessionē inducē in c. ti. cū fuit et sine qd i
uestitura debet perdē et fidelitas sequi. ut ar.
in p̄dicto ti. et etiã in titulo quid perdē debeat
licet h' in alii aliã fuisse consuetudinē. qd coqe
dum ē ut iã dicta. ¶ Pro quos ad successio uero

Dum eis aliqz dare pot inuestiturã facē.
Sed .i. res cui alie
nato phibet nō p
feudum dari credit.

...tione p
...ret feudū

feudi pertinet inuentum esse [illegible] non sunt
omne. ut puta pater filio. ut titulo de natura
successionis feudi in prin. licet hi dissentiant vero.
sit contra ius romanum. quia secundum ordinem et uotum
parentum debeatur filiis parentum non heredis non
filliorum parentibus. ut C. de legitimis heredibus
l. de emancipatis. et ff. unde lib. l. scripto in fine
et ff. de bonis damnatorum l. prima in prin. cum tur
bato ordine mortalitatis quia ius romanum
non minus parentibus quam filiis [illegible]
ut ff. de inofficioso testamento l. nam et si parentibus
ab ascendentibus [illegible] non succedunt hoc modo
mortuis enim eo cum beneficium tenebat post eum successi
onis est liber. quia ut ait paulus. si filius ergo
heres [illegible] et augustinus dicit. Qui filium
suum exheredauit alium querat patronum non me a
gustinum. ad quod generat causam lex romana que
uult [illegible] in successione liberorum. ut
in institutione de hereditatibus ab intestato. Cum intestatus
filiis enim existentibus masculis uel ex filio nepo
tibus uel deinceps per masculinum sexum descen
dentibus usque in finem [illegible] [illegible]
agnatis ad filias non seu neptes uel proneptes ul
[illegible] [illegible] (seu pronepotes) successio feu
di non pertinet. set de iure romano [illegible] est con
tra masculorum et feminarum in successione. ut C.
de [illegible] et legitimis liberis. Et in successione [illegible]
enim [illegible] [illegible] [illegible], et [illegible] [illegible]
si hoc iniquum est non debet, innocens [illegible]
ut C. de legitimis heredibus l. lege duodecim
tabularum [illegible] enim inter masculos et feminas
[illegible]
[illegible] non omnes in masculos [illegible] ut in
[illegible] ut C. de liberis preteritis l. [illegible]
[illegible] [illegible]. set licet ita de iure romano
[illegible] [illegible]
ut hic dicitur quod proles feminei sexus uel ex femineo
sexu descendentes ad huiusmodi successionem aspirare
non possunt. nisi eius conditionis sit feudum quod
[illegible]
[illegible]
[illegible] de beneficio femine. nisi [illegible]
[illegible]

[Margin:] [illegible] alter alteri [illegible] hoc [illegible] proles [illegible]

deuoluatur. quia dicit hic quod [illegible] acquisitum est. hiis
non existentibus scilicet fratres cum fratrum
premortuorum filiis [illegible] non uenitur aqui
[illegible] ab antiquo. Si fuit illius pater
[illegible] qui agnationis fuit [illegible] Si est autem [illegible]
de nouo fuerit beneficium inuestitus [illegible]
[illegible] filio masculo [illegible]. eiusdem feudi suc
cessio non pertinet ad [illegible] patrui magni
[illegible] [illegible] [illegible] reuertitur ad
dominum [illegible] agnatos autem beneficii successio non
pertinet. ut plane hic [illegible] titulo de quibus [illegible] suc
cedendi in feudum. Et adoptiui non succedunt
naturales [illegible] legitimi [illegible] ad successi
onem feudi nec [illegible] uocantur. ut [illegible] si de
feudo [illegible] sit [illegible] duobus [illegible] inuestitu
[illegible] accipientibus [illegible] [illegible]
non [illegible] [illegible]
[illegible] nisi ea lege acceperint ut unus alteri suc
cedat. [illegible] a uasallo
domino suo consentiente. quia aliter non tenet [illegible]
[illegible] [illegible] constitutionibus [illegible]
[illegible] [illegible]. Item licere feudum
in toto uel in parte uendere. uel [illegible]
[illegible] uel alienare uel ultima uoluntate
[illegible] sine permissu domini. et si feudum fuit
[illegible] cum uoluntate domini alienare non potest nisi
consentientibus agnatis ad quos [illegible] beneficium
[illegible]. Item [illegible]
[illegible] feudum quomodo [illegible]
[illegible] deuote et benigne. et quod fideles uasallus er
ga dominum suum debent [illegible]. potius ex natura
[illegible] et bonis consuetudinibus curiarum [illegible]
quam lege uel scripto aliquo comprehendi. In talibus
[illegible] [illegible] quia in quibus
casibus [illegible] non [illegible] in feudis
obseruari oportet. quia moribus et consuetudine
[illegible]
[illegible] quibus [illegible] Item [illegible]
enim [illegible] non [illegible] lex romana [illegible]
ut ff. de [illegible] et [illegible] ff. [illegible]
institut. de iure naturali gentium et [illegible] [illegible]
[illegible] Set [illegible] omittentur
[illegible] quam fidelis accepta beneficium [illegible] ingratus

[Margin:] [illegible] ultra [illegible]

[Margin:] No.

[Margin:] [illegible] scripto utimur

Vel posset dicere si res non esset in promptu. Jo[hannes] ar[gumentum] B. emptor volens a p[re]d[i]cta emptione discedere domum p[re]dictam retradidit p[re]d[ic]to m. venditori q[ue] fatetur se ei[us] no[m]i[n]e possidere d[ic]tam domum donec ipsi possessionem acceperit corporalem quam accipiendi [et]c. Et eodem die d[ic]tus m. venditor volens eodem modo a p[re]d[ic]ta vendicione discedere soluit restituit et retradidit p[re]d[ic]to B. emptori [illegible] libras quas ab eo h[ab]uerat p[ro] p[re]cio d[i]c[t]e domus. P[ro]mittentes adinvicem sollemni stipulatione p[re]dictam resolutionem et om[n]ia ac singula sup[ra]s[crip]ta firma et rata habere et tenere [et]c. obligando bona in faciendo p[re]t[er]ea d[e] reficiendo expen[sas] s[ecundu]m formam co[n]s[uetudin]em et usuram. Seq[ui]tur post hec de pactis [illegible]. [illegible] Pactis

Sunt etiam p[ro] [illegible] [illegible] casus [illegible] quibus feu[dum] [illegible] amittitur [illegible] ad dominum [illegible] [illegible] [illegible] [illegible] [illegible] cat feudum [illegible] si vasallus [illegible] post mortem d[omi]ni aut heres vasalli p[ost] mortem [illegible] pannum et diem [illegible] de et hoc [illegible] eum nulla impedimenta [illegible] [illegible] heredes no[n] [illegible] fidelita tem [illegible] in investituram petendo [illegible] dominum [illegible] [illegible] domini redit. Item [illegible] [illegible] totum [illegible] [illegible] domini [illegible] beneficio [illegible] [illegible] [illegible] et [illegible] admonitionem [illegible] [illegible] [illegible] in [illegible] constitutionibus Lotharii et Federici imperatoris. Item qui [illegible] in actie [illegible] [illegible] [illegible] [illegible] [illegible] si dominum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] in qui[bus] in [illegible] feudi [illegible] debent [illegible] qui [illegible] primi [illegible] [illegible] de feudi concessione [illegible]

[illegible] investitura [illegible] [illegible] [illegible] [illegible]

[illegible] de legitima [illegible] [illegible] [illegible]

de nova. Secundum [illegible] [illegible]

[illegible] parte agitur de forma fidelitatis et [illegible] [illegible] [illegible].

Institutio confirmationis feudi a predecessoribus concessi

De nova [illegible] [illegible] nova feudi concessione [illegible] [illegible] [illegible] [illegible] feudi confirmatione tractatur. [illegible] [illegible] vasallus [illegible] [illegible] [illegible] vasalli [illegible] mortuo domino [illegible] domini successorem [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] vasallus [illegible] [illegible] et diem differret [illegible] [illegible] [illegible] [illegible] titulo fide [illegible]

[illegible] [illegible] [illegible] titulo qui testes [illegible] [illegible] [illegible] confirmationis [illegible]

Institutio [illegible] [illegible] [illegible]

Q[uonia]m [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] omnibus et singulis [illegible]

F[illegible] [illegible] [illegible] talia pacta de [illegible] [illegible] [illegible] parit actiones [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Ad'. v. p. Infrone eiꝫ nō repit ut si ptus sit sub cōdicione fctus. ⁊ pure pretm apponat sic pbat por ar. ff. de pi ⁊ cōmo. rei uendic. l. i. benedic. pcim uō io dr īformare ac tiōeꝫ uetīꝫ q̄ ai pius ertm fuit sciar for

Nisi p̄ supplōeꝫ pmisisſꝫ q̄ tūc bn̄ ualleret ⁊ na- sceret actio ex suplatu.

mus ⁊ interueniat pcīꝫ pretm. f. q̄ qn̄cūq ul' si i certū tp̄s obtulerē em- proi pcīuꝫ. dcit eī rē uenditā restitui ut i nrō mst fit ⁊ ego postea pecuniaꝫ pcij offerrā ēptori, ⁊ eo nō accipiēte ofignē ⁊ dponā, q̄ ne dum tū ad eo qd l pcim dueit tribut' sꝫ ad ea q̄ postea ex fido ad eū puenerit. ut pal. l. y. i h. ⁊ uidas q̄ nō ē i mst' uen' rei ad eū dsenstaꝫ i. c. se. obli. uēduo. i h. mstrō // Itē nō q̄ ad h ut fuer' fcōs pcīn i otinēti uēditōe appoin. f. ut reddas dez eī obtulero pcīuꝫ si sup aliq̄ nō ītuen

...

Ad'. v. p. In cōtrac- tu pretm et i otinenti appositū nō parit act̄. ut si supplōr actiōe ex eō muniatur. ⁊ petiꝫ appoinꝫ. sīn supplōe ut des in usuras. nō agē ex tali ptō i otinenti apposito. q̄ ubi fenebs pec- cūie nō dbēt nataralr suplōis ut l. de usis. l. cōius.

...

⁊ ibi ē glosā. que not at istos iiij casus i quib pctum parit actōeꝫ ⁊ si i otinen appoit' e q̄ nan exemplifico p brevitate.

Alius uō i pena quēm ex nuōo pcō i otinenti appoito pena eiꝫ sini suplōe sic una nō debet' ut ff de v. o. l. fiuus. ⁊ nō in mstit. de inutilib; suplōibꝫ. c. Alteri. Sꝫ regulare ē ut dcīꝫ ē ut pcī i otinēti sīn siue i strictī iuris siue i bone fidei ōctib; ualleat. Si modo iat ⁊

Ad'. v. p. Sꝫ si eius mstrīꝫ p se de pcō ⁊ p se de uēdēs nō ue oīr i utille eo q̄ ns ā in ipā uēdcōe appoinꝫ ul' paulo p ipiꝫ qd hei dbuit ad hoc ut ualleat ut ē notatū uō autem dē nō eiꝫ ai q̄ dr ē q̄ tale fuit i otinēti i ipā uēditōe ul' paulo p̄ intelligas in ipiꝫ uerbis uēditōis se eo tpre q̄ afectus fuit uēdcōis iterpoit' ul' paulo p̄ iniꝫ ahe- les dūtmne ad alia actū onuca. Nō aut intelligēdū ē q̄ i ipā scriptura uēditōis que mstrm appellatur ul' paul p̄ ipiꝫ sētiret necesse sic p pcim iterpoi ymo hec posset scriptura p se de pcō, dūm i ea dicat q̄ ipiō uenerit ⁊ eo tpre q̄ fiebat onctio uēdit ul' paulo p̄ fuer fuit ut dcīꝫ ē. Potest i forma nōiā pcīm suplōe q suplō ē ue strictiꝫ ex q̄ pcū alia nuda uestitur. Naꝫ ⁊ si ex ide ualle fiat ⁊ solēpnit sup' in sponsōne ualler ⁊ ex suplōe illa actōeꝫ pcet' si i muentōe i q̄ suplō subsequit ē otinent. ut l. de v. o. l. explanato. // Posse et sigt uelle pcim pcīm īseri i ipā scriptura uēdōis. ita q̄ fiet de uenerunt rei ⁊ pcō sīli mstrīꝫ uni ⁊ uallet. ut l. de pactis inter emp. ⁊ uen. cōpoinꝫ. l. ij. lꝫ pma uia. l. q̄ duo fiat mst' nuda ...

...

ibi dūi qnēreꝫ ad ōctuꝫ ... q ē p se ut l. de fide instru. l. ōct. i incinatis ... dcībꝫ dat' actō p̄s. v. ad iteres ⁊ oddo ob cāꝫ ad repeticōm qd fuit tradituꝫ ff de p̄s. v. l. nalr. ⁊ sū aut re. do. ⁊ l. de oddo ob cāꝫ. l. ut si ppōit. Sꝫ ... uenerint nō apetit k pcīm nō fuer' in ōctu inoiato. ut. l. de rer. pmu. l. ai pabꝫ. // Itē qd dcīꝫ ē q oddo ob cāꝫ locū hꝫ inoiat ... Verū ē i i multis f i re ut des ⁊ i do ut facias ⁊ i do ut nō facias. ut l. de oddo ob cāꝫ. l. ... lege. in alyꝫ aut. f. facio ut des. ul' facio ut facias nō hꝫ locū oddo ob cāꝫ ai sīn nō possit repeti. ut ff. de p̄s. v. l. p. ⁊ ff. de dol. ma. l. si nō fortis ... Sꝫ p̄s v. actio ul' de dolo aut hꝫ hic. ut sup'. l. Cūꝫ si facio plene no ⁊ ... i mst' pmut. ⁊ no ... emp l pcū. Itē nō

a.

Declaratio p. p. // Et nota ut ff. fam. her. l. plane. Ubi dr si e cedi t rei uen. no tu es dns sz ego. Et si t cedi i plibz no t debet sz m. Sz id uere e actio utilit t det. Sic g ci no fiat excessioe dns ille cui cedit no e p atonio suffices illa cessio. // Ite regla iuris dic mi e hre actioez q rez. ut ff. d reg. iuris. l. min. Ubi dr alibi. Melius e pignori incbe q i psona age. Act. fillis poi tracta

ibi Ad d. p. Et q qda doctores p sua oppinioe posuerit. s. q quicq uedidit emat z icq emit uedat z i cui quo ura suma poit opotebat emptore pmi sic face qi ipe

// quer ut pal. l. y. 2e. t. l. iiij. 2 C. d leg. 2 osti. l. y. ficiuare. Ite aduere te tho no tenere eptore iterpellare s ipe het offerre/ similt se a potate l. amis. absolue si si no ht cui offerrit scat cit ut ff. d leg. amis. l. ult. Trasacto g terio tpe dco un uelli pcii pete an lege amisse. cteri. Et si no amissoriaz elligit no possit pcii uariare. ut ff. d le. amis. l. si fund. C. ellegat. Sz qr si pus pety pcu z pcim postea uollu dimitte sz uariare z cetere. l. amis. Dic qd q no possit i petedo

se ex pcio z p sinploez ad hoc obligaut ut i lra instri pz. z e ita bon z iustitia ita p illo qd pus uedidimt re. Sz re uera si aliqs uendidisset rem alicui z ei tradidisset z pcium soluti fuisset z uellet pcia a ta li uedere disiede posset per acti fillis poi qcet ut fiet p eptore tradito rei z p ue ditor reddito pci. Et p ac tu tale dr dissolui pma ue dito z fatis cet illi qui uedi dit ua ista secda qnti ad h ut dniu qd i eptore trasiu erat ad eu reuti. Et tale ua capiut quoli cuitare sta tuti gabelle qd qd dic si ue dit soluat tm p gabella na dicet no uediz sz uedicoez pma resolutie. Et qmo de ista resolutoe dicetur instrm. s. i yn. diri. // Sz si iste q pus re a me em isti pcia ea m reuedet licet h d iure optie ualleat mad tet tn i statuti gabelle siga bella no soluet. Et no q dicat tale qd acti fillis poi sz duo se tus s. Et no dicet secda uedi tio resolue pma sz due fut ut diri. Ex pdis si uedidi re Petro ad h ut rehteat ca due ue ce poss una s. ut eptor m ei reuedat p sta pac alia ut fiat retradito rei z pcy pma d. p me. s. qui uedidi. z uniuo qz tenebr in qre uedi solue p sua obligatioe d cuie ter ipsa emeat q fuisset agstui eo tpie qrez isti duo pmasit Una pmisoez no posit i instr ad h i resolutoe dictum. Sz die tati lcuit a semet ipo i instr ne posit au h expediret z quere re. Sz utru ex hac pmisoe ad qd dic pal statuti teneat dhentes et ubiz isti statui no cet h in regiuz. Ubi et i a uit bon. qui omit casus decide si aliqs uedit re alicui z fiat in instr z uellit postea q res ad uenditore spectet ad h ut ual leat euitare qd dic pal statuti teneat talia uiam qz fuit q pter astitet pite uenditoe q ue ditio iteradito st fca a tali tta li re p tali pac e fictia z simil atri. Et q pcu re ut p dni ue

duce afectu fictu z similibz fut z e z ab acti fuisse ut ptes z ab simulate d ipsos uolui sepius. Et q pmitte debis eptori si p se si paliu uel pcio inst in pcuito ul ex z q renu tiat oi uiu qd ht ul hre possz i dca re/ z q dponit dez cuiis posideri ea gredee asse no les atque ex ceta scia z no p errore iuris ul fcti asites pcum uedicoz ea posse z posside z ad eu pnue z pnuisse z eu dniu z ptate retinuisse. Pmittes solent sinplos pdictis asst lioez z d ac sigla scripta fit z rata hre ec faciedo d hoc pri instrz q qlit fiat tn ex hys qd dca st ex ubis statuti dilligter ispectis prudes dictare colligat poit. Sz ut diri pa ula de tuac p illo pi uedito ad que uolt ptes re redie pp credituoz isti emptoie qui refiret uedicoez fictia fuisse quibz affessio fca int eos z poctm sui credituoz pridicie no uis ut ff. d pac l. si uni qz z i suma [illegible] incogruioez. Sz cx i termis sup eis poite ca Ad d. p. Ubi e facedu qr ad ipos plenaz pp iapietes q h sare uolt ri e dno prez mitto. Est g pctm l. amissoie tale uedo t domu p. C. solueris m i aliq cert die z pctm appono q si tu no soluas m ad tminu res sit iepta z isto pcm i uedoibz app sitii ualz ut ff. d le. amis. l. y. Et trasacto dio si tu no solusti pcium possu in le ge amis. dico re iepta z pete rez z si nolo re iepta dico sz posu uditoez sui hre et pcui a te pete possiz qr pacto leg amissorie i fauore uedioris appoit. Et id nolea ex eo ei iuitus aut no. Na qd i fauore qruida itroducm e no de lessione i eoz rete //

egt uedito ea acupe z eptore opotebit ab eptie plitere. Sz si uelle melioz dudoez oblati receis segui pma qr m loc; uel fez. qi dmoug h renuitue his q pse introducta st ut ff. d i die. adiec. l. Sabin. z C. d pcho l. p. Aclio aut ad d uer sit si pno sit addita. si z si nich pno addat sole m officio fatio pcu puta p bonos capsores. Ul melio quid [illegible] fidez oppretuntor solucdo pno addat [illegible]. Et si [illegible] conio accedat ad emptio dicaz meliora [illegible] ul sanitatez nulla exigut meliu qndo ablata uedbit. Ergo id eit plurimi z si melior pnc emere sit paratus ea m reuenire a uedit qua erat i tpri emptoe qntz eis ad utilitate uedi toris plim p melior quiete [illegible] ut pcui lequit [illegible] i [illegible] l. ii aut C. h. z l. f. Et no q sx pco l. amis. uendi re pcia. sz sub [illegible] resolut sz i ho no soluat pcui. Ite ad fructus uedite. Ite retinet armis ul pcie pcij o solui uediti fures sit sca semper. eog alia ps no sit soluta ad tminu [illegible]

in h' cau cu emptor pacat penā arrar ul' dimissois pns pay q: reliqu̾ nō soluit · sola uis sucurr̾ ...

uissoribus · et ex hoc patet qd fideiussor p̄nci [illegible] · et pōt accipi an oblig atoes reiz pot [illegible] p̄no pallio debitoris · si ei ē māda[illegible] ...

constitutio debitorē · et sic con stitutē, z actōe ... pec. l. i. et ita patet differētia int' fideiussorē et constitutorē et mandatorem ...

[illegible]

... p eo qui ē tantū nūlli obligatus ...

... tantū obligatus ē ... Itē p eo qui tantū nulli obligatus ē · ut puta p eo qui contst ...

[illegible]

Declaratio ... [illegible]

[illegible] aut dime aut ab ille quem novavit non consentiente solus i[n]solidum tenebitur. Si autem dixit satisfiet t[ibi] [illegible] isolute plate non vall[illegible] [illegible] non tenetur. Nam si loquitur [illegible] [illegible] sermone non gravetur ut ff. loc. l. qui insula [illegible] [illegible] de solut. l. [illegible] et non [illegible] [illegible] const. pec. aut sign. Item non [illegible] constitutore [illegible] non [illegible] liberatur principalis reus. [illegible] inuit [illegible] ut i l[illegible] [illegible] cum constitutore. Sed solutione per eum facta utrumque liberatur ut ff. de const. pec. l. Item. § final. [illegible]

constitutori [illegible] constitutionis de fideius. [illegible] dic ut dixi i lectura no[illegible] [illegible] [illegible] § Est [illegible] [illegible]
Ad ar. p. [illegible]
fideiube[illegible] [illegible] sic [illegible] ut ff. de pec. l. [illegible] et i mutuo fi[illegible] [illegible] Nam [illegible] [illegible] mutuo [illegible] [illegible] macedonianum non te[illegible] [illegible] et ad fini fidi[illegible] [illegible] [illegible] tenebitur ut ff ad mace[illegible] [illegible] l. [illegible] filius.
Ad ar. p. [illegible] [illegible] [illegible] [illegible] [illegible] fideiussore accipi non [illegible] intelligendum si [illegible]

[illegible]

[illegible] ligatus. quod [illegible] [illegible] [illegible] minoris. ut ff. de [illegible] [illegible] neo. [illegible] et ei. et [illegible] sine minori [illegible]

Nunc videndum est. ad quid teneatur fideiussor et dico tenetur. ad id quod principalis [illegible] [illegible] [illegible]

[illegible] quia [illegible] principali. [illegible] in [illegible] non accipiam fideiussorem [illegible] [illegible] [illegible] possum [illegible] acceptus fuit ipso iure [illegible] tur ut ff. de fideiussoribus. l. viii. § si q[illegible] [illegible] § [illegible] et § ex ar. § [illegible] si [illegible]

Item [illegible] quatuor modis. scilicet tempore. loco. et causa. [illegible] fideiussoribus [illegible] [illegible] se obliget loco [illegible] principalis [illegible] loco [illegible] fideiussor [illegible] spopondit.

Causa vero est [illegible] [illegible] [illegible] fideiussor ad pecuniam [illegible] [illegible]. nam ei aufferetur electio quam reus [illegible]. et ideo [illegible] [illegible]

[illegible] et § loco. et § huius [illegible] nota quod non tamen tenetur de eo quod plus est. si in nullo [illegible] [illegible]. et notant ff. de fideiussoribus. l. [illegible] § illo. et sic est casus hic in quo utile per [illegible] le [illegible] ut de donationibus. l. [illegible] et ff. de iure gentium l. sive [illegible] § i.

[illegible] factum continetur in stipulatione [illegible] [illegible] esse fit. [illegible] [illegible] principalem [illegible] [illegible] [illegible] quia principalis promisit rem a se vendi[illegible] legitime defendere. vel promisit [illegible] [illegible] [illegible] [illegible] aut similes persone [illegible] [illegible] [illegible] non veniet [illegible] similia [illegible] que po[illegible] sunt eque [illegible] a fideiussore promitti sicut a [illegible] [illegible] ad interesse fideius[illegible] [illegible] sicut principale [illegible] [illegible] [illegible] est [illegible] interesse. ut ff. de re iudi[illegible] [illegible] l. si quis [illegible] § [illegible] et de [illegible] ob. l. quod quis.

Sed si factum est tale quod fideius[illegible]

[illegible] non posset. nec [illegible] est eum facere posse. ut quia faber lignarius promisit [illegible] domum hedificare. vel quia aliquis promisit docere artem in qua peritus non est. vel [illegible] [illegible] [illegible] [illegible] aut [illegible] pecunia laborare et [illegible] in aliqua arte. non est dissimile quod fideiussor qui illius arti[illegible] peritus est [illegible] [illegible] [illegible] promit[illegible]. quia in convenientia et in [illegible] [illegible] sequeretur. [illegible] [illegible] fideiussor [illegible] [illegible] [illegible] esse et principalis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] forma fiat. solerter et [illegible] [illegible] [illegible] committo. quia hic non posset [illegible] per singula [illegible]

Fideiussoribus autem competunt quedam beneficia et exceptiones. et contra quasdam personas, per quibus [illegible]

Item et [illegible] [illegible] fideiussor sive fideiussores beneficium [illegible] constitutionis de fideius[illegible] [illegible]

Et si sint plures fideiusso[illegible] [illegible] beneficium [illegible] divi adriani. que [illegible] et [illegible] sint [illegible] et [illegible] [illegible] sub rubrica de renunciationibus. [illegible] [illegible] principalem aut pro quo fideiussor se obligavit competunt fideiussori plura [illegible] de quibus tractatur in [illegible] capitulo [illegible] de [illegible] [illegible]

[illegible]

[illegible] obligationes fideiussorum videndum est. [illegible] [illegible] forma fideiussoris [illegible] [illegible] [illegible] [illegible] obligatione possit [illegible] [illegible] ut ff. de fideiussoribus. l. [illegible]

[illegible] [illegible] formas [illegible] apposuit a [illegible] in quolibet loco [illegible]

[illegible] [illegible] in fideiussoribus [illegible] [illegible] forma [illegible] [illegible] loquitur [illegible] non pot[illegible] quia [illegible] [illegible] [illegible] super fideiusso[illegible] ponit. et ideo super quolibet [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] fideiussoris [illegible] [illegible] vendente que [illegible] [illegible] quicquid in se continet. [illegible] mandati [illegible] fideiussori de

fireiubendo q̄ dicat pabus et manauts.

ipalit et in solliō n̄ teneat̄. Tercio tem

ipām fideiussorē p̄mittenē

nam et ea que penā sequint̄.

et ulcamo bn̄ficiū competentis renūctata

quāp se fit in solīm fideiussorē in fine in

strumti uenditionis. Quid uelles

illam formā & notēm p̄itate. quam non

par commendabile puto. tenebis hinc ea

mis quarto capitulo de possessionis tradicione

cū fideiussore. Quia an. et cū fabus

et manatis. philippus se p̄ncipalem con

tiruens debitorē p̄mittunt p se et eorum

obligantes tūc emptori p se et suis heredib̄

stipulanti.

quā deinde est duo uenditores in solidum

obligati. et faciendo ipsos renūctare in fine

sidu

bitat̄ tie res sit alii data seu ob

ligata.

P

licet inter contrahentes que

dicet̄ de bonis debitoris manifeste. ut in illud

duo inueniunt hoc ē fraus alienantis

t q̄ creditores in uēditor fraudent̄ ut ff.

emptori. licet offiderint debeat p̄mo. ut

si nomi exstant in bonis iubat res reduci.

qua ea rē nemo fraudat. ut ff. e. l. si debi

tor. l. ex huius. Cūm eni tibi non semp exig

alienantis inueniunt. eam sit acceptans

fraudem dicitur. l. p. et ff. quem

multi modo p̄sumit̄ a. fraus in alienat

omnia l. ut ff. l. fraus.

uō parte bonorum suorum ut cum unā alienare

cessat p̄sumpio / quia se spectant hoies in fr

rent magnifeste plane in fraude fraudem

tam. ut ff. de platebr. l. patronus. et l. q̄

p q̄ presumit fraus hec ipso q̄ sit illumai

condicō creditores & sciat q̄ si creditores et te

nuerint ne accipiat a debitore

In fraude dicimus ut ff. que in fraude. l. ait

Eniu cū non uiderē in fraudem. qui uo con

sentientib̄ creditoribus accep̄ ut stipulatī

ut alie ubi / nemo eni uidet̄ fraudare con

qui sciunt et consentiunt. ut ff. e. l. si quis

P

Si uendit̄ res debois hereditarii illi

Possequente i spectat ad creditore falcidia

... ut actione rē ipaz i falcidiā sibi

... qn sit oportuni. uendito elig. ita

et uole p casus possessionem apertus prebit sciens

[illegible] opetiti [illegible] repudiatione [illegible] pos. [illegible] quod [illegible] res sola repu[illegible] [illegible] duorum consensu [illegible] [illegible] in appara[tu] notulas [illegible]

[illegible]

te alterio filio suo philippo heredibus insti[illegible]

[illegible]

[illegible] sine liberis [illegible] puerum [illegible]

[illegible]

uentum. si contingit hunc antonium a[illegible] cede sine libris. philippo supstite ipse res ue[illegible] dicta reuerte in philippum. ergo patet quod licet [illegible] conuentio sit inter [illegible] quia hic se adiuo [illegible] perteet eum ex intestato [illegible]

[illegible]

rum. l. ult. tamen si ipsi contingerit [illegible] hanc rem ab emptore poterit reuo[care] [illegible] cum hec conditio a parte sint apposita [illegible] [illegible] Set si hanc conuentionem [illegible] remittere possit et sic est hic casus in quo ualet [illegible] [illegible] futura [illegible] et [illegible]

[illegible] aliter regula [illegible] non ualet [illegible] de futura successione [illegible]

[illegible]

igitur ista questio [illegible] et [illegible] potu[illegible] [illegible] era [illegible]

[illegible]

[illegible] [illegible] de bonis patris. [illegible] [illegible] bonorum [illegible] ad me [illegible] [illegible] quia illa [illegible] [illegible] non potuit. nec in ea conditione [illegible] [illegible] quo [illegible]

[illegible]

et. l. quoniam. sic itaque hanc rem [illegible]

[illegible]

gere non potest condictio [illegible] et tibi [illegible] et [illegible] bonis [illegible] patris mei [illegible] ipsam lega[illegible] tunc portionis [illegible] ex hoc rem ipsam [illegible] philip[illegible] pum et substitutum [illegible] nam [illegible] opinionem [illegible] in quarta trebell[ianica] [illegible]

[illegible]

quarta posset [illegible] certa [illegible] [illegible] heres. l. filium. li secus sit in quarta trebelianica [illegible] de institucionis [illegible] singul[illegible] [illegible] ob quam [illegible] quia ideo posset [illegible] alligare

[illegible]

rem etiam. ut ff. ad. l. fal. in l. plane. [illegible] l. quamuis. § . l. aliter enim posset [illegible] ob [illegible] illam quarta. etiam res obligata. ut in [illegible] [illegible] legibus. et ff. quorum legatorum. l. i. § . si quis [illegible] et non obstat. l. [illegible] quia ubi fili[illegible] [illegible] [illegible] uoluntate defuncti. [illegible] [illegible] portio que [illegible] filiorum [illegible] set hec melius [illegible] [illegible] hereditas [illegible] et [illegible]

[illegible] pro nullo. unde in [illegible]

[illegible]

[illegible] sine distinguntur p[illegible]

[illegible] sine [illegible]

[illegible]

quincunx. semis. septunx. bes. dodrans. [illegible]

[illegible]

[illegible]

quamuis nomina [illegible] et [illegible] [illegible] [illegible] relinquit. nam [illegible]

[illegible]

[illegible] et est [illegible] et [illegible] nota. quod non ponitur [illegible] significat. quia [illegible] negotia [illegible] ut ff. de [illegible] l. nota enim nomen [illegible] quia sex [illegible] partes significat [illegible] [illegible] nomina [illegible] nomina [illegible] iam. non ex eo quod [illegible] hereditatis [illegible]

[illegible]

[illegible] semis [illegible] continet [illegible] hereditatis [illegible] sex [illegible] et sic de reliquis [illegible]

[illegible]

[illegible] Set si fuerint pl[illegible] [illegible] [illegible] uel triens [illegible] [illegible] semisse. § . [illegible]

[illegible] dant natis una cum [illegible] Remissem ius dante natis quisque uel ultra. Arbitrium sequitur illa cum patris. Et nos hic pro ratione [illegible] accipitur [illegible] ab [illegible] et fini is impensis. et libitatibus [illegible] nota quod si pars legittima non tamen debet filius [illegible] [illegible] parentum. Set [illegible] in bonis libertorum parentibus debet intelligi qui filii sui [illegible] poterunt [illegible] Nam [illegible] liberis turbato. non minus pie parentibus quam liberis relinqui debet ut ff. de inoff. test. l. nam et si. Item nota quod hoc [illegible] [illegible] potest per quatuor capitula. primum [illegible] quod venditor rem ipsam vendita. que [illegible] [illegible] condictioni in restitutionis. si eligit in suis legittimam portionem [illegible]

[illegible]

[illegible] a legis. Si [illegible]

[illegible] venditoris plenius [illegible]

V[illegible] de [illegible] [illegible] negotio de obligantis [illegible] [illegible] duabus [illegible] venditoris ad [illegible] Hinc [illegible]

[illegible]

[illegible] et [illegible] [illegible]

[illegible] portans quod ipsa [illegible] bonis mariti [illegible] [illegible] ipsa cedit [illegible] [illegible] ipsa [illegible] aurum quod valet [illegible]

[illegible] hypotheca nichil aliud est [illegible] pignorazatio [illegible]

[illegible] Latine [illegible]

[illegible] pignus [illegible] plures [illegible]

[illegible]

bona sua. ut quia in [illegible] [illegible] talem rem [illegible] omnia [illegible]

[illegible]

[illegible] pignus [illegible] gatio [illegible] potestate legis. sunt [illegible] qui [illegible] et auctoritate et [illegible] legis legitima [illegible] bona debitoris sui [illegible] obligata. vel [illegible] [illegible]

[illegible] [illegible] est. set [illegible] in notulis [illegible] rubrica de [illegible] in [illegible] [illegible] hypotheca. [illegible] una. nam [illegible] [illegible] bona [illegible] qui dotem accepit [illegible] in dote. ut [illegible] de rei [illegible] actione. l. una [illegible] Et [illegible] mulieris qui [illegible] [illegible]

[illegible] [illegible] mulier [illegible] qui [illegible] dotem [illegible] [illegible] matrimonio. et [illegible]

[illegible marginal gloss]

ypothecas in alio bonis uel in una re. uel per una persona sibi non preiudicat. in alia re uel in alio contractu uel certa alia persona. et quia generaliter et non remittat domino marito uel contrahenti remitto ius meum ypothecarum. enim generalibus uerbis utatur in renuntiatione restringitur. tamen ad ea de quibus cogitatum est. ut C. ad uelleianum l. antepenultima. nec prohibetur uxor remittere proprio emolumento ius suum ypothece marito. sicut prohibetur donare. quia pignoris remissio non est [illegible] ut ff. de his qui in fraudem creditorum [illegible] pignus. quid enim potest [illegible] personalem actionem [illegible] remissio [illegible] renuntiatio tenet si mulier certa sit uiri sui puta quia certificata a contrahente aut aliunde cognouit. Ceterum si nesciuit et renuntiauit iuri suo. et ita omni legum auxilio nichilhominus sit tuta. quia generalis renuntiatio. ad illa que ipsa nescivit uel cognouit non extenditur. ut ff. de transactionibus l. cum aquiliana. ¶ Quo ultimum sciendum est quod hec mulier et duo sequentia et omnia commune similibus [illegible] secundum quod renuntiationem in muliere debet precedere certificatio. quia aliter non [illegible] et renuntiatio et dictum est [illegible] capitulo [illegible] ibi et certificata est [illegible] ponit remissionem [illegible] dicit emptori et cetera. [illegible] quia remissione [illegible] quod si creditor remittit pignus [illegible] obligatione dissoluitur pignus. sicut enim pignus obligatur. sic ypotheca [illegible] ut ff. de [illegible] l. cum tale. et [illegible] l. si C. de pignore. ¶ [illegible] creditor pignus expressim. ut in [illegible] quod si creditor consentit creditori uendere pignus ut ff. quibus modis ius ypothece soluitur l. [illegible] ¶ [illegible] continet promissionem [illegible] ¶ [illegible] et [illegible] ponit penam. Et [illegible] sufficiant super hac securitate et duabus aliis sequentibus.

Si uxor uenditoris minor fuerit sic inrabit

Hic mulier [illegible] filia familias [illegible] beneficium restitutionis [illegible]

beneficium etatis in hoc contractu consensus et renuntiationis sue lesa. Nam minor siue sit filius familias siue pater familias. siue patre uolente consensit [illegible] siue non postulat auxilium restitutionis [illegible] alioquin si [illegible] pater uolente denegatur ei restitutio. puta si accepit [illegible] patre uolente mutuum quia plus gaudet deus de uno peccatore penitentiam agente. quam de nonaginta nouem iustis. ut C. de si [illegible] [illegible] patre uolente et iubente. ut ff. de min. l. in [illegible] [illegible] mediana corporalis [illegible] beneficio restitutionis. ut C. [illegible] uenditione l. 1. Et si minor se maiorem [illegible] l. si [illegible] Et no. [illegible] minore [illegible] minor [illegible] minore etate. [illegible] [illegible] uenditionis [illegible] contractu uenditionis [illegible] a minore [illegible] No.

Si uxor uenditoris presens consenciat uenditioni et renunciet obligationi [illegible]

T[illegible]

ypothecam [illegible]

[illegible]

ypothecarias [illegible] ¶ [illegible] [illegible] [illegible] [illegible] in pignore [illegible] si [illegible] ¶ [illegible]

[illegible]

[illegible]

l.

[illegible] a ypothecaria [illegible] loco fit obligata . q si qui oportuit ipm agere ypoth [illegible] mulieris non pferat ei [illegible] sicut [illegible] [illegible]

[illegible] cum ui p ea que [illegible] [illegible] cauerit [illegible] [illegible] falso [illegible]

[illegible] sui quor ypoth [illegible] [illegible] cum etiam sit [illegible] hic priorem et potiorem ypothecariam actionem aliis creditoribus uenientibus post eam. et qr ipa e ypothecaria pferat ipis. ut C. q pot[iores] in pignore. l. cum e. cum mulier [illegible] quantitate quam recepit ab emptore cedit ei actionem quam h3 contra maritum p dote [illegible] actionem ypothecariam [illegible] competente in bonis mariti que ypothecata sunt remitti pot ita tam . ut per hanc cessionem emptor succedat in bonis [illegible] illis quibus ipa pferebatur. et [illegible] [illegible] que habebat uxor in ypotheca [illegible] in ipm emptorem p cessio[nem] non [illegible] [illegible] possit h emptor potius loco sui [illegible] creditoris [illegible] [illegible] post qui succede[illegible] loci [illegible] [illegible] et [illegible] aliis creditoribus quibus ipa [illegible] pferebatur. ut [illegible] qui in [illegible] [illegible] succedunt [illegible] ¶ [illegible] q h cessio [illegible] [illegible] sine [illegible] quantitatis [illegible] [illegible] q talis cessio non [illegible] [illegible] emptori [illegible] dos mulieris que cessit [illegible] [illegible] [illegible] [illegible] et nichil plus [illegible] ad eum [illegible] [illegible] penes credentem [illegible] [illegible] nomine emptione. [illegible] ypothecaria competens mulieri p dote [illegible] non posset [illegible] personal[illegible] [illegible] soluto matrimonio. ut C. de re uxoria [illegible]

dotis restitutioni . puta quia maritus ad inopiam uergit. ut C. de iure dotium. l. [illegible] constat qd [illegible] hanc actionem ypothecariam intemptare [illegible] [illegible] cum potuisset mulier cedens hoc [illegible] [illegible] restituende dotis. Cum enim ypothecaria sit accessoria personalis actionis de dote [illegible] [illegible] [illegible] ut ff. de reg. iur. l. cum [illegible] [illegible] et l. cum principal[illegible]. In hoc autem [illegible] [illegible] [illegible] consentientis uenditioni rei et obligatio[ni] bonorum [illegible] e renunciatio iuris ypothece competentis in re uendita et bonis obligatis ibi [illegible] et c. ¶ [illegible] est [illegible] iuris ypothece ibi . et [illegible] et c. ¶ [illegible] singula. ¶ Renunciat et ultimum. est penal[illegible]

N [illegible] [illegible] filii et heredes quondam uxoris [illegible] uenditoris consensit et descendentes ex ea hinc inde renunciabit iuri ypothece p dote matris sue. et bonis ypoth. ita scilicet [illegible] et hinc ypothecariam actionem contra omnes mariti creditores licet anteriores [illegible] priuilegio sine [illegible] ut C. qui potiores in pignore habeantur. l. ult. [illegible] [illegible] [illegible] [illegible] matrimonii [illegible] [illegible] cum dotibus ab eadem [illegible] [illegible] [illegible] ut C. qui potiores in pignore habeantur. l. ultima . § exceptis. Nunc sine [illegible] [illegible] soluto matrimonio [illegible] [illegible] [illegible] quilibet sobolem eius [illegible] [illegible] rebus [illegible] aliquid [illegible] [illegible] [illegible] [illegible] [illegible] bonis suis. ut in [illegible] l. [illegible] [illegible] [illegible] l. ult. et in [illegible] [illegible] dotis collatione [illegible] [illegible] ¶ [illegible] ypothe[illegible] [illegible] [illegible] ut C. [illegible] bonis [illegible] [illegible] non [illegible] ypotheca. et [illegible] si [illegible] [illegible] et heredes mulieris defuncte. qui [illegible]

[illegible]

dote et hereditate materna. et propter rationem ad ventitii peculii habet rem venditam obligatam pro emptoris securitate ipsi venditioni consentiant et remittant iuri ypothecarii iuxta doctrinam predictam securitatis. cum eadem est forma et idem capitulorum et processus. et unde dicitur primi consensus uxoris. Si mater venditoris consensit.

P

Ponit presentis securitatis dotte vel legato teneatur nobis uxor in tuere. vel usus fructus dotis durante matrimonio ipsius. venditor in re habens habet in bonis filii tacitam ypothecam et pleno consensit ratione. unam videlicet propter dotem. cum occasione tacitam habet ypotheca. ut dictum est in precedentibus securitatibus. aliam propter legatum quod in ultimis voluntate a marito relicto. Nam bona defuncti tacite obligata sunt pro legatis et fideicommissis ut C. communia de legatis l. i. et ideo consentit venditioni. et renunciat iuri quod in re vendita competenti utraque ratione vel alia quacumque. [illegible] et [illegible] et precedentibus quicquid est capituli eundem ordinem substantia et processum. Si pater venditoris consensit.

C

Contingit aliquando quod filius venditurus rem adventitiam que in illius filii [illegible] [illegible] materna successione vel alia causa adventitia [illegible]

Certum est autem quod pater habet in adventitiis [illegible] cum. nam si filius est in potestate patris sui. commoditas [illegible] [illegible] [illegible]
aut totum ad patrem in [illegible] ut in institutis per quas personas nobis acquiritur. C. et C. de bonis que liberis l. cum oportet. Si vero filius est emancipatus. et quod emancipationis habebit adventitium peculium. pater pro premio emancipationis retinet partem dimidiam ususfructus in adventitiis et semper retinet nisi ipsum remittat ut C. de emancipationibus l. ult. et de bonis que liberis l. cum oportet penultima. Sed et si post emancipationem pervenit filio adventitium. puta ex successione materna. habet pater similem portionem ususfructus cum filio. vel filius emancipatus ut C. de bonis maternis et materni generis l. si una. Verum propter quod habet pater iure patrie potestatis in ususfructu

[illegible] [illegible] rei vendite consentiat huic venditioni. et renunciat iuri predicto. cum consensus et renunciationis [illegible] [illegible] [illegible] Si soror venditoris

I

Ite soror venditoris ius exhereditate vel re indivisa sine heredis consensu patris in re habens a patre in certa pecunie quantitate. et id est loco [illegible] bene consensit ita sciendum legatarii sit habenda. ut C. de heredibus [illegible]
quotiens [illegible] in hac re vendita [illegible] defuncti sicut [illegible] legatariis tacite ypothece ut dictum est in matre. Sed et ratione [illegible] et esse in hac re ius aliud. Si si dos que sive relictum a patre non sufficit ad complementum legitime portionis. potest de hac re et aliis rebus hereditariis illud quod deest ad complementum legitime portionis de falcare. nam ipsam legitimam debet habere sine honere. et sine diminutione [illegible] de in officioso testamento l. quoniam. et hinc est quod consentit ipsi venditioni et renunciat [illegible] rebus [illegible] et continentur interim. [illegible]
[illegible]
[illegible] tractabitur in non [illegible]
de dotibus in titulis ratione [illegible] Si

T

His qui ex substitutione vel fidei commisso ius exspectat quidam [illegible] habet in re consensit [illegible] filius suus. C. isto paulo [illegible] ita scilicet
[illegible]
[illegible]
[illegible]
[illegible] rei venditur [illegible]
[illegible] hereditariis que [illegible] [illegible]
[illegible]. et propterea debet dicti res [illegible]
[illegible] [illegible]
[illegible] pervenire. et [illegible] [illegible]
et agit [illegible] predictis [illegible]
ipsius rei consentiet et ius quod competens [illegible] ipsius substitutionis sive in [illegible] remittat [illegible]
[illegible] conditionis remittit [illegible] ut C. [illegible]
[illegible] filios [illegible] et [illegible] regula

[illegible] est consensus [illegible] hec huius que p'se in
troducta est renuntiare. ut C. de epis et cler.
[illegible] in conferendo [illegible]
[illegible] consentiret ne contra [illegible]
res que subiacent subiectam non possit obligari
vel alienari. ut C. de legatis l. [illegible] duo
[illegible] maiestas [illegible]
convictione. et in auctentica in signata. q' incipit res
que emptor at qui fuerit [illegible] gravamen. emit
[illegible] actione contra venditorem [illegible] ad [illegible]
[illegible] non habet locum [illegible]
[illegible]
C. [illegible] emptor. Et scias quod hec instrumentum [illegible]
[illegible] consensum renuntia
tionem iuris, permissionem de non movenda
lite et de [illegible]. Quinta non est pena.

Prima notule [illegible] presentibus [illegible]
Presens notula nobis duabus [illegible] rubricas.
P[illegible] hostendit. q' quando partes persone de quibus i
[illegible]
sunt generaliter alienationis [illegible]
[illegible] inferendum
est in instrumento alienationis [illegible] quia licet alia
sit [illegible] vendens. et alia renuntians. omnia tamen
. [illegible] una die et coram eisdem testi
bus et uno contextu [illegible] consensus [illegible]
[illegible]
[illegible]
a sequenti. quando ista persona renuntians non [illegible]
[illegible]
[illegible]
[illegible] quia alio die et coram aliis testib'
et facere [illegible] instrumentum [illegible]
consensus alia est forma tenenda. eo q' est
aliud instrumentum [illegible] dominus [illegible]
[illegible] a. notare [illegible]
consentientis. ut docent duo sequentia
instrumenta. [illegible] q' incipit [illegible]
aliud q' incipit [illegible]. Item
[illegible] que [illegible]
est absens. emptor [illegible]
[illegible] a venditore q' illa persona absens [illegible]

[illegible] ipsi venditioni consentiet. [illegible]
[illegible] simpliciter promittat. q' ille [illegible]
[illegible] quia sic promittit factum alienum. q' non
posset [illegible]
C. alteri. Quod pactum facit venditor
emptori. ut docent duo sequentia instrumenta
immediate post hanc notulam. Et
est pactum tale accidentale. et ideo in [illegible]
dictionis in feudum. ut coherentia [illegible]
venditionis [illegible]
nullum esset ut C. de pactis l. lege. et l. [illegible]
dictionibus. [illegible] quando duo [illegible] a ven
ditore [illegible] testibus [illegible] quia si
[illegible] vel similiter
debet promittere venditor. de faciendo et curando
q' illa persona consentiet. et renuntiabit [illegible]
ut docet primum pactum. [illegible] in
totum vendita vel pro [illegible] domini. [illegible]
debet promittere de faciendo et curando q' ipsa
[illegible] venditionem. et [illegible]
[illegible] ut docet [illegible] est [illegible]
renuntiare
[illegible] renuntiat [illegible]
aliena remittat. [illegible]
[illegible]
[illegible] confirmatione. [illegible]
[illegible]
[illegible]
hac notula et duabus sequentibus [illegible].

Supra [illegible] absens fuerit [illegible]
senserit [illegible]

Q[illegible] de muliere ista que consen
tit venditioni [illegible]
[illegible]
personas de quibus [illegible] dictum est. que quidem
si presentes non fuerint venditioni possit
tamen [illegible] confirmare vel consentire [illegible]
[illegible] forma. que in muliere [illegible]
[illegible] dummodo [illegible] persona renuntiet [illegible]
[illegible]
[illegible] persone consentientis. tam [illegible]
[illegible] debet [illegible]
alienationis. vel saltem [illegible]

certa ali[illegible] rei uendicationi consentiat. et in q̄
uis suū remittit. quia ad hoc q̄ mulier re
[illegible] uel non cognouit renunciatio eius
nō obstat ut ff. de transactionibus. l. cū
aquilliana. 2ª Si frē ul' sors uenditorē
a frē fecit ratificauerit ꝯ approbauerit uide' ben.

Sicut [illegible] [illegible] [illegible] et [illegible] col
ligit. antonius quādā domū cōm. ℥ et
[illegible] frē suo et [illegible] impubi uendidit
[illegible] [illegible] [illegible] puber [illegible] uendidit
[illegible] [illegible] [illegible] ergo nob' [illegible]
uidere. p̄mū si antoniꝰ qui partē frīs nō
[illegible] eam uendendo alienare potuit.
Secūm qualit' alienatio que tp̄e ꝯtractꝰ
non tenuit p̄ ratī habitionē postea con
[illegible] Circa p̄mū sciendum est q̄
licet aliene rei uenditio sit pmissa. nō
tā̄ temp̄ eo ip̄o q̄uis uendit alienat. ut ff.
[illegible] l. alienatū [illegible] enī aliene
rei [illegible] [illegible] uendentis. [illegible] nō
[illegible] [illegible] [illegible] ab [illegible]
[illegible] [illegible] transferre. quia alienatio ē
[illegible] [illegible] [illegible]
de [illegible] l. i. que [illegible] sic constitui
[illegible] [illegible] transferre
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] qui licet nō sint dñi. dominium
transferunt. puta creditor rem ē obliga
tam p̄t [illegible] [illegible] pacti uel legis al
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] quis iudicio contumaciter non com
paret. [illegible] rem contumacis adiudicabit
aliq̄ pacti. et adiudicatꝰ ratione iudicii offi
[illegible] publica transfert [illegible] ut in [illegible]
de officio iudicis. ꝯ. ultimo. Item cessor
[illegible] [illegible] [illegible] si
non [illegible] [illegible] [illegible]
et distrahit. et distrahendo alienat. ut ff.
[illegible] l. formā ꝯ. aliā. et l. cum possi
[illegible] Sic fiscus uenders rem alie
nam [illegible] et imperator. et augusta rei
[illegible] transferunt [illegible] ut [illegible]

[illegible]
[illegible]
[illegible] [illegible] [illegible] messe [illegible]
p̄scriptione. l. ult. et penult. Item tutores
et curatores qui loc̄ optinent dñor. alienā
re possunt res illor dñor. quor tutelā uel
curā gerūt. ut de administratione tutele. l.
leges. et ff. de furtis. l. mediam. ꝯ. qui
tutelā. Item procurator hn̄s spāle manda
tum. uel gn̄ale cū lib'a administratione uen
dendo rem dñi alienat. ut in ist. de rerum di
uisione. ꝯ. nichil aūt interest. Item pla
cuit res ecclīasticas alienare possunt [illegible]
[illegible] ut nullus [illegible]. ꝯ. ult. de aliena
tione. ut emphyteos. ꝯ. [illegible] alias
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
plus transferrē ad eum qui accepit quam
[illegible] apud eum qui tradidit ut ff. de [illegible]
[illegible] l. [illegible] Nunc uidendum est de ra
ti habitione [illegible] quedam [illegible]
tam [illegible] Rati habitio [illegible]
[illegible] ut puta quia rem meā uendendo utilit'
gessi negocium meū. qd noīe meo gessisti. nā
[illegible] [illegible] gestum [illegible] et qd
[illegible] [illegible] [illegible] ut ff.
de neg. ges. l. pomponius. Item ratihi
bitio [illegible] [illegible] quandoquidem
[illegible] [illegible] [illegible]
tutor. l' curator ei alienat uendendo. pmu
[illegible] [illegible] [illegible]
[illegible] simplicis donationis confirmat
alienatio. si post completā minorē eta
tem [illegible] quinquennio et sic tacet. quando ab i
nicio legittimo decreto fuisset alienata uel sup
[illegible] ut ꝯ. si maior factus sine decreto [illegible]
[illegible] [illegible] l. ult. in prin. quod
[illegible] [illegible] [illegible]
minor hēt tutorem ul' curatorem et ipse minor
[illegible] [illegible] [illegible] Item
cum ipse tuto. l' curator. alienat p̄sente et
uolente minore. si minor [illegible] ē qui intel
ligat. Item in eodem casu. cū [illegible]
[illegible] [illegible] [illegible] alienat
cum non impetrauit uelam [illegible] Item
in quarto casu cū impetra[illegible]

ctatis et sic intelligit .l. pale. et. C. si maior

[illegible]

[illegible] alienare [illegible]

inst. omnino erit inutilis contractus. ut C. de integri restitutione minor. l. si curator. et ideo n.

[illegible] presumptio quinquennii de qua dixi.

¶ Ut si tutor vel curator [illegible] absente minore vel eo presente et non habente intellectum. Nam presumptio quinquennii non habet locum sed decennii inter presentes. vel vicennii inter absentes. ut C. si quis ignorans rem minoris esse sine decreto comparaverit et per totum titulum et ibi habet locum. cum fecit alienatio non simpliciter [illegible]

[illegible]

non potest alienari fit tacita confirmatio post

[illegible]

inter presentes et vicennio inter absentes. ut in pale. l. C. si maior factus ratam habuerit alienationem [illegible] de donationibus [illegible] expressa [illegible]

[illegible] expressis. ut quia id actum erat

[illegible] vel alienaret ipsam alienationem

[illegible] Nam hic alienatio ipsa non tenuit [illegible] postea confirmatur. ut fit in hoc instituto [illegible] loquimur

[illegible] alienatio si minor [illegible]

[illegible]

alienationis ibi. Et tantum vendidit et c.

¶ [illegible]

[illegible] ¶ [illegible]

monendum hic [illegible]

[illegible]

[illegible] ¶ [illegible]

[illegible] Notula quinque

Rubrica de emphyteuticis contractibus rerum immobilium etc.

Sicut in huius notule textu. Circa principium scribitur in hoc vi. a presenti sequens liber initium habet. quia huiusque actum est de alienationibus et cessionibus rerum immobilium factis a personis secularibus et privatis. Nunc autem inter [illegible]

[illegible] nobiles

[illegible] alienare [illegible] instrumentis circa primam formam emphyteoticam

[illegible]

[illegible] rei ecclesie. Unde primo de emphyteosi inventum est. ¶ Est autem emphyteosis nomen grecum et declinatur hec emphyteosis. huius emphyteosis. vel emphyteoseos. huic emphyteosi. hanc emphyteosim. Et inde dicitur adiectivum emphyteoticus. ca. cum. unde contractus emphyteoticus concessio emphyteotica. instrumentum emphyteoticum. Habemus etiam aliud [illegible] emphyteota [illegible]

[illegible]

tractus ... licentiam. Contrahitur

... fine scriptura. ut C. de pac. l. pactum quod bona fide de rei venditione. l. iudicia. Talis autem in hoc casu. Item ibi potest impendium. ut iure allegato. quod licentiam. et intelligo hic impretium. quia sine eius promittere. licet aliter multis modis exponatur. Item contrahitur pretium. ut ff. pro socio l. societas in glossa ibi posita in prin. et in fine.

... tempus puta usque ad centum annos. ut ff. si ager vectigal. vel emphyteoticus petatur. l. usque ad ...

... sic intelligo ut res sit penes emphyteotam ...

aliquid domino pro concessione rei puta pecunia vel aliquid non tamen pro pecunia set etiam pullos sive ut ... domino fit concessio emphyteotica.

Item ex contractu emphyteosis conceditur ... possessionalis et dominus retinet sibi dominium et possessionem ... quia tantum modo fruendi ... emphyteote ... possessionalis ... sicut in fructuarium ut ff. de acq. possessione l. naturaliter et l. possessio quoque in prin. et hinc est quod ... emphyteota debet domino in singulis annis prestare pensionem in pecunia ... vel ...

Item huius contractus est ut pensio solvatur quod conventum est ...

... emphyteoticario ut C. de emphyteotico iure. l. ii. Item ... contractus est ut ... emphyteotam ... pensionis ... ut C. de ... ecclesiis ... quiritum ... et ff. de locato conducto potuit ...

phyteota. et. x. quod ... hec ius percipiendum ... alio ... ubi ... satisfactione ... dominus ... emphyteote ut solvere. Cum in hoc casu dies statuta pro non interpellat. ut ff. de locato et conducto. potuit emphyteota in sa. quod emphyteota debuit se offerre oculis ad solvendum domino. quia nemini debitorem ... oportet ... expectare. ut ... commo ...

ut C. de emphyteotico iure. l. ii. Et cum nemo ... Item natura contractus est ut liceat emphyteotae ius emphyteoticum in alium transferre ... domino ...

... ab illo. et tunc si ...

... in quibus ... vendere ... pluribus ... C. et ... cum omnibus maioribus ... et ita notatur. per B. in tex. ... potuit et similiter ... natura actus est ut pactum ... et emphyteotam fiat ... conventa ... partes ... super omnibus pactionibus placuit firma ... modis omnibus stabilientur ... ut C. e. l. i. et in inst. de locatione ...

... in fine ... actus quam ...

Differt autem actus iste a locatione quia ubi ... locari possunt res mobiles et immobiles. set emphyteosis non potest nisi in immobiles. Item in locatione merces tantummodo ... emphyteosis ... pecunia ... equo bove ... et hinc est quod ... in prin. ...

et concessit et non vendidit quia non e vendicio
[illegible] nomine [illegible]
pretio. etc. illa quia pecunia illa non intervenit
ut pretium [illegible]
modo locatum habet. ¶ Item merces vel pensio loca
tionis enim modo pecunia debet esse. sed pensio
[illegible]
pecunia et quelibet alia res ut dictum fuit.
¶ [illegible]
transferretur dominium directum et civilis et
[illegible] sed emphyteota habet solomodo
[illegible] utilis dominio et proprietate retenta. ¶ Item
[illegible]
vendit nec vendicat rem. sed emphyteota
[illegible]
onem. quod verum est sive fuit ei concessa res in
[illegible] sive ad non modicum tempus
[illegible] legal. l. emphyteote peccat.
[illegible] et l. ij. et ff. de pignoratis act. l. tutor. ¶ ult.
[illegible] l. i. ¶ agit. Patet ergo hinc
[illegible] Plerumque autem licet ut
[illegible] insignia. Hec autem
[illegible]
vel venditionem et locationem non se inclinat
[illegible]
insignitum. ut. C. de ep. [illegible] l. i. et in
instit. de locatione. ¶ adeo. ¶ [illegible]

De instrumento concessionis in emphyteosim a monasterio facta

Q[illegible]
[illegible] emphyteosim [illegible]
[illegible] secularium [illegible] ad aptandum. Sed quia [illegible]
[illegible] celebrato
ab ecclesia [illegible] super aliqua [illegible]
[illegible] quod licet de emphyteosi [illegible]
[illegible]
talequale. illa tamen de consuetudine ut plurimum omittuntur, quia [illegible]
[illegible] non tamen [illegible]
[illegible]
recepta tamen pro concessione sufficiat [illegible]

[illegible] illa [illegible] et
suo pacto de pensione annua persolvenda et
renovatione suo tempore facienda. et cetera [illegible]
[illegible] et obligationem [illegible]
[illegible]
[illegible] canonicum [illegible] in eius et negotiis [illegible]
[illegible] Imperator dicat [illegible]
canones pro legibus observandos. ut in aut. [illegible]
[illegible] ¶ Post
[illegible] illa que sunt iuris canonici
super [illegible] rei ecclesiastice sive rei concesse in
emphyteosim. sive alienatione necessaria sunt
ut fiat concessio vel alienatio [illegible]
[illegible] xij. q. ij. sine exceptione et c.
[illegible]
iiij. ¶ Item quod consentiat diocesanus episcopus [illegible]
[illegible] notatur [illegible]
[illegible] in glossa [illegible]
¶ Item consensus capituli vel maioris partis
et sanioris intervenit. [illegible]
[illegible] consensu capituli. C. [illegible]
[illegible] pastoralis [illegible]
[illegible]
[illegible] diligentia [illegible]
[illegible]
et c. [illegible] et xij. q. ij. sine exceptione et [illegible]
[illegible] venditionis ad [illegible]
[illegible]
[illegible]
[illegible] ¶ [illegible]
[illegible] in arte [illegible]
[illegible] res immobiles [illegible] aut pupilli
[illegible]
[illegible] ponunt et adiungant [illegible]
[illegible] in quo [illegible] de sollempnitatibus omnibus super
ipso actu necessariis et [illegible]
[illegible] sollempnitatibus [illegible]
[illegible] cursum et ordinem instru
[illegible]
[illegible] tutore. et cetera [illegible]
[illegible] instrumentis. [illegible]
[illegible]

solent illa post complementum instri aur
sum in fine dispositionē. q̄ meg p̄hemium p̄mo
positum. et illa pacta posthus ordinata col
locentē in medio int̄ cetera illa instri capi
tula s̄m ordinem cursum nullo uel modico in
posito q̄ ipsar capitullaꝝ [illegible]
omē est pressum. Sic igit̄ possumus in hoc
instro notare viij. capitulla. p̄mū ē p̄he
mium continens in se illa tria sine quibz nō
pōt contractus subsistere. s. cām necessariam et
utillem. et epi licentiā et capituli uel ma
ioris partis consensum. circa que sibi debebit
emptio de multiplici et solempni contractu [illegible]
[illegible] mone [illegible] posthq̄ cum [illegible]
et fratribus eiusdem monesterii ut mos est
ad hoc in capitullo congregatis. s. talibz et talibz
et nominatis fiēd. Et ingressi sunt plures solep
ni tractatu sup ipsa concessione uel alienatione
p capitulum ante dictum. et ab hiis plena de
liberatione pmisso. dictā alienationē uel concessi
one eidem monesterio expedire. ut de ipso contractu
et pmissione constat pluribus instris scriptis
manu tali not. Dopnus Bertolus ipius
mon uenerabilis abbas et c. C. Secundum capitulum
contientes. i. dn̄s et emphyteota. C. Tercium
res concessa in emphyteosim. C. Quartum
pecunia uel aliud p concessione datum.
C. Quintum possessionis tradictio. Sextum pmissio
de legitima deffensione et auctoritate. C. Sep
timum pena. C. Octavum et ultimum continet
pacta pensionis et renovationis. C. In ad
ditiones de forma instri predicti tractatus. Sic erit
potius ordinate. C. Dopnus Bertolus mon
sancti stephani de ierusalem uenerabilis abbas
congregatis fratribus eiusdem mon̄ [illegible]. ad ea
[illegible] cōt̄ debita sine necessitatis uel utilitatis. [illegible]
his cause monesterio expediat. ut habeat
pecunia usq ad summā. C. Ubi bō cōpetent
et deliberet. unde dicta pecunia posset haberi.
[illegible]
et deliberantibus. diligenter [illegible] cum con
sensu firmauerunt. quod aliq possio monesterii
concedatur in emphyteosim. uel allienetur. et
pecunia sine [illegible] dicte rei in dictam cām et
negotium conuertatur. Credentes hoc p dicto et

ipsi monesterio utilius expedire. C. Et
no. q dictus ille debet fieri pluries. et admō
ē et qualibet uice et eo fieri publicum in
scrip. De instrumento renouacionis concessionis

IN precedenti nota emphyteosi emphiteotica
contineri. q dominus illa de qua sup
ra dictus instrm̄ facit mentionē. conces
sa fuit usq in tertiā psonā. Ita etc usq
ad tertiā psonā. uel generationem concedere
pōt. ut in auct. de nō allienandis. §. ephy
generatione aut seu tertiā psonā. intelligo ea
rum possorē ad quē emphyteotica res opu
tato p̄mo puenit. puta quia concessa fuit
res antonio. antonius eam transmisit ad
phylippum. phy. ad andream hec siue ipsa
res puenit de uno in alterum. ex aliquo in
sto titullo uel contractu sine successione ex testo
sive ab intestato. C. Item etiā aut fuit in
ipso instro. q post res [illegible] ad quartā pso
[illegible]
nesterio renouationē. i. q monesterium
teneat̄ renouationis cā illi quarte p con
[illegible]
tertiā psonam. uel ge[illegible] idem pac
et conditionibus quibus p̄mo emphy
teote [illegible] reception [illegible] renovatione
aliqua pec quantitate [illegible] p̄mis p̄cus em
phyteosis perpetua e. quia [illegible]
ipsius de psona ad psonā tertiā p renouatio
nis medium procedendo porrigit. ut collig
in illis locis [illegible]
emphyteosis ualide est prima alienatio
quia sicut dictū ē p renouationis pactū ppe
tuo pertrectit. ut in auct. de nō alienandis et
permutandis rebus ecclesiasticis ij collatione
§. alienationes. Cū ergo sic res emphyteo
[illegible]
qui ē quarta psona. et si ea [illegible]
uatio agitur hic de ipsa renouati[illegible] C. [illegible]
quod non ē necessarium in hoc contractu [illegible]
tere. uel asignare cam in qua illi [illegible]
tionis pecunia [illegible]. quia [illegible] alienari
si processionis sine alienatione. uel renouationē
confirmat. et ipsius processionis necessario
pactū requirit. quia in principali et in origi
nali concessione fuit appositum. C. Puto in

[illegible]

renouationi consentiat. ¶ Quintum [illegible] [illegible] in premissis capitulis ut predictis [illegible] [illegible] quia exigunt [illegible] [illegible] necessitatis [illegible]

et capituli [illegible] et consensu. [illegible] tres intelliget [illegible] renouationis cum [illegible] et emphyteota [illegible]. Certum est tres [illegible] quantitatem pecunia pro concessione danda. Quintum est possessionis confirmatio. ¶ Sextum est promissio de euictione et [illegible]. Septimum [illegible] continet pacta pensionis et renouationis. [illegible] Instrumentum solutionis pensionis rei emphyteotice pro multis annis

Colligitur [illegible] emphyteosim [illegible] [illegible] presentium instrumentum quod emphyteota singulis annis tenetur soluere pensionem [illegible] pensionis solutio [illegible] [illegible] modicam [illegible] emphyteota [illegible] solutio [illegible]

[illegible] annis [illegible] de [illegible] [illegible] pensio non fieret [illegible] instrumentum [illegible] pensionis [illegible] annis [illegible] ad [illegible] [illegible] pro pensione sibi soluta [illegible] emphyteota [illegible] solutionem [illegible]

[illegible] ab emphyteota [illegible] ¶ Item [illegible] anno soluit [illegible] pro multis annis soluatur [illegible]

[illegible] quo soluit [illegible]. Hoc [illegible] partes non [illegible] [illegible] et [illegible]

Instrumentum [illegible] ad [illegible] facte ab ecclesia

[illegible] emphyteotus [illegible] alienationes [illegible] transferre dominium [illegible]

[illegible] possessionis [illegible] apparuerit [illegible] [illegible] manifesta [illegible] [illegible]

[illegible] nes et permutationes. quia de hiis [illegible] de loco intendit. et primo de [illegible] [illegible] quia [illegible] partes memorie [illegible] [illegible] in [illegible] de lega. [illegible] ff [illegible] l. i. [illegible] sequentia [illegible] utrum [illegible] alienare [illegible] sit uel non. Secundum quibus casibus et modis [illegible] alienatio sit permissa. [illegible] si fiat alienatio [illegible]

[illegible]

[illegible] ut fructus et [illegible] [illegible] nulla [illegible] [illegible] similes [illegible] [illegible] [illegible] ¶ [illegible] [illegible] [illegible] [illegible]

[illegible] partis. ut in capitulo [illegible]

¶ [illegible]

[illegible] ut [illegible] capitulo et [illegible]

dicat q [illegible]

[illegible] capitulum uel maior pars [illegible]
[illegible] tricenali concedatur ut precatur [illegible]

[illegible]

apparent fieri de quolibet publico instrumento . et
hec inuentor [illegible] monesterior et circa

[illegible]

[illegible] que est C de sacrosanc [illegible]
[illegible] capit iudicii petitio . Sequitur si fiat [illegible]
[illegible] illa forma et sollempnitate, fiunt tenet
[illegible] nulla est [illegible]

[illegible] fructibus relinquit [illegible]

[illegible] agere [illegible]

[illegible] et C [illegible]

[illegible] leuius dolo [illegible]
tractum aut dolo [illegible]

[illegible]

[illegible] institutio [illegible] ut C [illegible]
tenda uenditione . l. rem maioris et C de ex
et ue C cum [illegible] C. de fi. Si aut mi[illegible]
eo dampno lesa est. [illegible] tenet
[illegible]
[illegible] ecclesia [illegible]
[illegible] minoris . et
[illegible] publice ut C de [illegible]
[illegible]
[illegible] alteri [illegible]
ergo ecclesia [illegible] in preiudicium [illegible]
quisiuit . non tamen est minor . qui cum sit similis
minori ut dictum est [illegible] quod non est minor [illegible]
nichil est eo . cum ipsum similem est . ut ff de [illegible]
[illegible] tutoribus [illegible]
[illegible]
septa et quod restitutione inter minores sit
[illegible] qua fuerit [illegible]
[illegible] ad non per restitutionem [illegible]
[illegible]
ecclesia [illegible]
[illegible] lesiones [illegible]
per [illegible]
ue [illegible] lederetur [illegible]

Cum omnis restitutio in integrum [illegible]
[illegible]
integr[illegible]
[illegible]

[illegible] et C [illegible]

[illegible] C [illegible]
et de [illegible]

[illegible] fieri non [illegible]
[illegible]
[illegible] nisi forte modicum [illegible]
[illegible]

[illegible] nisi [illegible]
[illegible] plenum [illegible]
[illegible] quia sit [illegible]
[illegible] consensu patro[illegible]

[illegible]
sit necessarius. [illegible] sex capitula
sunt illa que [illegible] contione [illegible]
[illegible]
Q[illegible] emptione [illegible]
[illegible]
[illegible]

[illegible] in hoc fallit in eccl. [illegible]
[illegible] et parentibus circumdato [illegible]

[illegible] ultimum [illegible]

[illegible] partium [illegible] superiore [illegible]

[illegible] ut ff. de [illegible]

[illegible] spirituale [illegible] non [illegible]

[illegible] eccl. permutare [illegible]

[illegible] et eius adversarius [illegible] et [illegible]

[illegible]

emphiteosis, et qui de bene fieri pot. cum emphiteosis
[illegible]
[illegible]
[illegible] pot eccl. [illegible]
[illegible] in emphiteosim concedere. [illegible]
hoc primo [illegible] in quo fit mentio [illegible]
[illegible] et capituli [illegible] post ipsum capitulum [illegible]
tur partium [illegible] et parti [illegible] ut dictum est
[illegible] in isto permutationis rei [illegible] et c. quia
[illegible] restat [illegible] ut videamus
de venditionibus et emptionibus in mobilium
[illegible] que fecit
[illegible]

[illegible] et immobilium [illegible]

[illegible]

[illegible] super corporalibus ponit [illegible]
[illegible]
[illegible]
[illegible]
[illegible] non [illegible]
[illegible] tractat. et hoc continuatur [illegible]
[illegible]
nullum ante ponit. [illegible] quia [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ut ff. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] renuntiatione [illegible]
in hac notula [illegible] mentio.
[illegible]
[illegible] ordine [illegible]
[illegible]
[illegible] quibus [illegible] emptor [illegible]

[illegible] no Hebat aut dr [illegible] [illegible] p sto adest [illegible] abesse [illegible] esse tusocm [illegible] ipe [illegible] redhibitoria.

actionibus respi[illegible]. Sciendum est itaque quod actione redhibitoria agit emptor qui ignoratus emit rem, uel animal morbosum: uel [illegible] a uenditore ut ipse res quae uendita restituatur [illegible] cum. Et hac enim actione fit redhibitoria id est [illegible] redhibitio. et sic utique emptor et uenditor quodammodo in integrum restituuntur. Et certo autem appellata est redhibitio quasi redditio ut ff. de ed. edicto. e. l. redhibitione. et l. [illegible] redhibitione. Fit autem redhibitio propter morbum propter uicium et propter alias causas quas breuitatis causa omitto. Et nomine morbi debilitatem corporis intelligimus ut quia clausus uel cecus sit equus. aut quia habebat schinella uel consimile uel simile. nomine uero uicii accipimus debilitatem animi quia retrogradus est. calcitrosus. uel mordens [illegible] fit morbus sit uicii. et ergo uicii plerumque fit propter animi impedimentum. morbus uero propter qualem corporis imbecillitatem. ut ff. de uerborum significatione. l. [illegible] et de edilicio edicto. l. i. § [illegible] et l. [illegible] infra sex menses utiles. ut ff. de edilicio edicto l. edilles [illegible] et l. [illegible] Quanto minoris [illegible] emptori [illegible] etiam nomine morbi uel rei empte in anno utile ut [illegible] edilles. autem et agitur hac actione ad repetendum tantum de precio quantum minoris emptor empturus erat [illegible]

[illegible] uel quanto minoris. Actio [illegible] competit emptori contra uenditorem. primo quando uenditor mancipii non pronuntiauit de natione eius. plerumque enim natio sua aut prouocat aut deterret emptorem. Ideo interest scire nationem. presumuntur enim quosdam fures esse bonos quia nationis sunt non infamate. quosdam malos uero quia natione sunt que magis est infamis. Si uero non pronuntiauit emptori de natione tenebitur hac actione [illegible] quia redhibet mancipium. ut ff. de edi. [illegible] mancipia. Fit autem propter ordinamentum. Si enim tempore uenditionis ordinatus erat equus forte sella et freno. et uenditor non tradidit equum ornatum. ut uenditor [illegible] [illegible] ut ff. de edilicio. e. l. edilles [illegible] Rubrica. [illegible] quod uenditor et ex quibusdam aliis causis. de actione agitur. quas [illegible] et competit actio [illegible]

[illegible] actionis ff. quia [illegible]

l. si talem. § edilitiae. et [illegible] uenditores siue scierint siue ignorauerint uenditores uicia rei quo minus agi possit contra eum. Et hoc totum uerum est si emptor uel acceptor [illegible] ygnorauit. secus si sciuit. quia non [illegible] esse deceptus uel pellatus. qui sciunt [illegible] declarari debent. quia non ygnorauit, ut ff. de [illegible] et de edilicio. e. [illegible] intelligitur. et [illegible] emptor sub [illegible] eius ygnorantia. quia non debent morbum ygnorare qui omnibus potuit apparere. puta quia habebat [illegible] cicatricem [illegible] dentem et periculosam in capite uel in alia corporis parte. uel equus [illegible] uel claudus uendatur. ut e. l. [illegible] Et hec due actiones locum habent qualiter in [illegible] ubi edicto. quod est ff. de edicto. quae loquitur de [illegible] et de [illegible] se mouentibus ut ff. eadem. l. edilles [illegible] Et in rebus [illegible] locum habet. puta si [illegible]

[illegible] fundo [illegible]

[illegible] ut in [illegible] presta. uel lesa [illegible] sed hoc dicere infra in [illegible] libro.

Hic uidendum est [illegible] ab [illegible] actionibus [illegible] primo si [illegible] uicium [illegible] agit. ut quia a se cognouit uel aperte cognoscere potuit. uel [illegible] uenditorem certificauit ut dictum est. [illegible] si [illegible] tam uenditionem. ut C. de edil. actionibus l. [illegible] et ideo oportet emptorem [illegible]

[illegible] ratione precii. puta quia [illegible] ne uenditio [illegible] a [illegible] morbo uel uicio. uel quia [illegible] Et super hoc [illegible] est. quia [illegible]

[illegible] et non [illegible] et [illegible] non [illegible] emptor nomine eius [illegible] uenditio facta ab emptore non [illegible] a quo

... agi possit cont... ut ff. de condic...

... tunc precium et factum fine ipso ... emptoris
... vendicationis ... remittentibus actionem
... ut ff. de collatio
nibus ... si intendito ... Quod
... equo ... mulus ... fecit
... necessarias ... ex pilis ... pacto q
fructu ullens ... nam ... ut
... post ... ut ...
... si vero ... et quod ...
... non hoc ... nec hoc pactu ... terminis
... sit ... propter ... et pacto ...
pactu q. bona fide ...
... q. bona fide ... nulla. De

Instrumentis emptionis equorum et similium

[illegible]rca natura huius contractus ... in aliquo tractatum ... Restat ... patet ex littera hoc instrumentum ... duas partes ... in qua agitur de obligationibus ... et ... prima pars ... capitula ... primum est ... emptor et venditor. ... secundum ... vera ... signis ... equi. ... Tercium quod incipit ... emptor ... equi ... que ... possessione ... sola immobilia ... possidetur ... pedibus ... possessio ... ut ff. de acquirenda possessione ... mobilia ... possessionis ... mobilia quam immobilia possidetur. ... mobilia ... in hoc ... debet ... respectu ... modorum ... secundum modum qui latet in littera. Quartum est ... Quintum ... promissio ... Sextum et ultimum ... pena ... renunciationibus et ... emptor ... et contractus ... Primum ... emptor equum ... et ... Septimum ... est promissio ... hic ... et singula ... instrumenti ... expositione ...

... modo ... qua ... loquitur ... et ... non ... De instrumentis ... lib

[illegible] istum ... rebus sensibilibus ... moventur ... sensibilibus ... et alliis ... consequentur ... hoc ... ymo ... hoc lib ... non possit ... in anno ... aliquam ... liber ... emptor non habet ... quam habet ... non possit ... ff. de ... l. ... idem ... et hoc totum potest intelligi ... liber secundum ... ordine ... secundum ... consuetudine ... qua ... ut ... sit ... consuetudinem ... liber ... emptor ... et ... debet ... vel ... in illa ... tenentes ...

... in ... ordine ... et ... secundum ... ordine ... cautione ... liber ... ponit ...

... instrumentis ... futuri feni et fructuum in ... percipiendorum.

... futurum feni aut fructuum ...

duum a quo in illo

pumo tribuit

uendicatori nõ

hyemmente pacto d[illegible]

... incremento ... negari.

Instrue usum fructum ad plures annos

usus fructus ... corporale ... quo stante ...

... ut usus fructus ... tempus ... ipm

... usus fructus ... in aliis ... ut usus simplex ut ...

... alieno ... alienare ...

eo fructu perdens, et ...

... hec ... intelligenda reperta

... lanam

... omnibus ...

[illegible] conditionibus [illegible]

[illegible] ut [illegible]

[illegible] ceptis [illegible]

[illegible] summus [illegible]

[illegible] Constitutio [illegible]

[illegible] dignitates qualita [illegible]

[illegible]

[illegible] extra [illegible] ut ff. [illegible] exceptio [illegible] et l. ex silva. et l. arbores. [illegible]

[illegible] ad refectionem [illegible]

[illegible] utitur ligno. ut ff. [illegible] arboribus: et [illegible] bonas [illegible] non habet necesse [illegible]

[illegible] l. [illegible] et l. arbores [illegible]

[illegible]

usu fuerit post [illegible] aut [illegible]

[illegible] fructuarius. et l. sed. [illegible]

[illegible] ff. sint. et pluribus aliis modis.

[illegible] proprietatis

[illegible]

nec non pot. volens abducere a se usum [illegible] proprietatis aut [illegible] ut ff. l. si fructuarius [illegible]

Habet autem hoc instrumentum duas partes in prima [illegible]

[illegible]

[illegible] historia [illegible]

Quod autem fructus a. persona debetur et hoc est constitutio iuris gentium. quia quis domino alieno [illegible] ut in [illegible] iure gentium in pri. Quaedam autem debent [illegible] ab aliqua re: et [illegible] quia [illegible] tus. habitatio et opera servorum ut ff. de usu fructibus. [illegible] et ministerio servorum [illegible] [illegible] et in [illegible] habitatione et hoc [illegible] in concessa [illegible] et [illegible] ne [illegible] in [illegible] Quaedam autem debent ab [illegible] et [illegible] fructus [illegible] quam lex [illegible] tem ut ff. [illegible] l. [illegible] [illegible]

[illegible]

... sicut ... totam et
sup ... pagano ... ideo et de
suspicionis ... ut ullus · et quod dixit supius
... continuacione fructus · ac ... uertit ... tunc
plures ... consuetudine ... imp

... Sicut autem unus concedat fundum · sine
...
sup in isto ... primo concessit · deinde alter
temporibus concesserunt · confirmetur prima conces
sio primo nouissima et trahunt prime concessionem
ad tempus illius concessionis et primo inde est · omni
est ultimus concedit hac si omnes concedentes et
... ultime conced...
... pores quia forte refecerant uel quia p
tres fundum alienauerit · hec ultima concessio ...
... tenet ...
et non ... concedant fructum · ut ff. de fructi
te ... l. per fundum et ...
Item etiam qui non est ...
...

... pignora ...
... fructus · et ...
... non tenet eius ...
... concedat · et ...
... fructus
... tenet ...

... nullum sit medium inter fructum et ...
... ut ... l. qui ...
... uti possit ...
... mani
... officere ...
... tur fructus
... fructus ...
... fructus est ...
... fructus · ut ... qualibet ...
... fundum ...
... nihil habet ...
... fructu ... l. ...
... forma et cursus ...
... fructus ...

[illegible]

ut non mala traditio si qui possi et [illegible]
Quia corporalia nō recipiunt traditionē seu possessi[onem]
ut de usufructu. l. loquitur. § . sed si ma. et de aqui[renda]
possessione. l. fundus. § . incorporales. s. recipit qui [illegible]

[illegible]

l. [illegible] Quia [illegible]
ratificatione. ibi. si nō permittens [illegible] dextū
et ultimū est pena.

Incipit secundum capitulum de dote

Quoniam ut extra ratione continua[tionis]
temporibus sequitur [illegible]
[illegible]
[illegible] libri ploco [illegible]
[illegible] cor que [illegible]
eum in primo ut dictus facilius
dicentur contingere et debita dispositione o[r]
dinis subsequentia inferat ex premissis. Nam
cum mobilia et immobilia in aliū transferri possi[n]t
non solum illis causis et titulis de quibus primū
[illegible] ne [illegible] dicta. sed etiam per piculum
[illegible] fuit immobilis extimata per
tinet ad mulierem. unde aget maritus ō eam
actione ex empto et de euictione quia maritus
est debitor illius summe. vel ubi pareret est in
uenditione. ut. [illegible] Si nō [illegible]
et. l. quot. et [illegible] quot [illegible] maritus [illegible]
empto conduct in dotem. Quia licet sit [illegible]
uenditio non [illegible] causa
sit. ut. ff. [illegible]
[illegible]
[illegible] ad [illegible]
ad dispositione [illegible]
[illegible]

Instrumentum [dotis] constitute in re immobili [non] extimata

Dixit [illegible] domini dotalem [illegible]
[illegible]
[illegible] rei in dote [illegible] extimatione [illegible] Nota
[illegible] in fine [illegible]
[illegible] extimatione [illegible]
[illegible] totale. Nam si res extimatā non [illegible]
[illegible] emptionis quia extimatio facit uenditionem
ut ff. [illegible] l. plerumque. et [illegible] de rei [illegible]
uni [illegible] Et ad hoc ut possit sit dotale [illegible]
[illegible] debent [illegible] matrimonium sit [illegible]
et traditio [illegible] et [illegible] traditionem
[illegible]

[illegible] res dotales [illegible]
[illegible]
[illegible]

[illegible]
[illegible] dotali [illegible]
dotali uendi nec alienari [illegible]
sit casu mulieris uolē [illegible]
[illegible]
[illegible]

[illegible] duas partes. In prima
qua agit de traditione fundi [illegible]
socero nomine filie sue sponso eius. et [illegible]
[illegible] cap. [illegible] primū [illegible]
[illegible]
[illegible]
[illegible] traditioni [illegible]

[illegible]

[illegible] dotalis [illegible] extimatus
[illegible]
[illegible] Et [illegible]
[illegible] debent [illegible]
[illegible]
[illegible] traditione rei [illegible]

Instrumentum dotis constitute in re immobili extimata et pecunia et rebus mobilibus

De rebus inextimatis datis in dotem [illegible]
[illegible]
[illegible]
[illegible]
tune quam dotis [illegible] Et aliquando [illegible] extimatio
mulieris sit electio [illegible]
[illegible] et [illegible] de fundo dotal[i]
[illegible]

[illegible] extimatio [illegible] non [illegible]
[illegible]
one [illegible] emptor [illegible] et [illegible]
[illegible] et de [illegible]
[illegible]
[illegible] Et [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible] continuatur . ad distinctionem hic [illegible] mus . Restat ergo nostrum istud in omni parte sicut proximus . et agat prima de rei ex [illegible] victione [illegible] a parte precedentis instrumenti . Secunda vero [illegible] incipit ibi . Item dictus antonius etc. ag de confessione mariti facta ab eo super alia quantitate . nomine dotis recepte uel rerum mobi lem extimata . et de promissione ab eo facta sup [illegible]
quantitate facta . sicut apparet ex textu [illegible] no . quod quando contingit casus predictus etc.
[illegible] notula . et in forma ex ea descendente . docet i [illegible]
[illegible]
et ena pecunia . quia patet instrumentum et notula [illegible] . pot de sola traditione rei in mobilibus p se facit instrumentum . et de promissione mariti obligati [illegible] ad dotem restituendam facit per se aliud instrumentum [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ipsam pecuniam et c. non fuit illi fundum [illegible] esse dolem . quia licet confiteatur maritus [illegible] mulieris recepisse rem illam uel extimationem [illegible] electio datur ei [illegible] hoc conductione . c. si res fuit [illegible] penes maritum uel eius heredes ut p hoc relinquatur quod maritus ipsam rem tamquam [illegible] posset alienare . si tamen fuit alienata [illegible] fit in electione uxoris rem uel extimationem accipe . Illud idem si fundus datur in dotem extimatus . sed tamen datur electio marito restituendi [illegible] fundum uel extimationem . quia tamen non est [illegible]
[illegible] non fundo extima [illegible] absolute [illegible] mulieri . et fuit [illegible]
[illegible] alienari non potest . et ideo si extimet [illegible]
[illegible] sed ut sciatur quanti sit
[illegible]
[illegible]
[illegible] ideo ut si fundus extimatus plus [illegible] tamen tenetur [illegible]
[illegible] patri et omnis [illegible]
tenetur mulier supplere debeat [illegible]
[illegible]
[illegible]
[illegible] sive minoris [illegible]
[illegible] . Et si uel [illegible] mariti tenetur [illegible]
[illegible] sequitur . Et si maritus non [illegible]
[illegible] ut ff. de pro [illegible] . si [illegible] stabit

[illegible] ultimo . et penult. et multa alia que non [illegible]
[illegible]
longum esset . XV. Instrumentum dotis constitute [illegible] de rebus in pecunia et rebus mob [illegible] extimatis [illegible]

Qualis in dotem dictum sit . admodo de dote constituta in pecunia numerata . et rebus mobilibus est dicendum . Super quo sciendum est [illegible] sive mulier det dotem sive parens [illegible] neus . sive maritus [illegible] eius parte det . sive [illegible] de voluntate mariti . et dos sit in pecunia uel rebus mobilibus extimatis . Sed dotis illius [illegible] confessione eius qui dotem recepit in [illegible] solemus . Quae quidem confessio aliquando fit eo quod dotis numeratio est in veritate secuta . Aliquando vero absque fuit [illegible] . Quantus cum plurimumque conficetur . est numerata esse dote . ubi tamen non fuit . et tunc hic exceptio non numerate dotis quia semper pot opponi . nisi imputetur [illegible] silentium . in [illegible] quod debuit opponi . de quo dicetur inferius [illegible]
[illegible] . Et notandum quod si dos non fuit dicta esse in pecunia numerata . si maritus confessus [illegible] si [illegible] mulier [illegible] repetit dotis . quia in quantitatibus numerato [illegible] dote . et in speciebus probatio et non confessio aut promissio . ut [illegible] . Et ideo non repetit [illegible] dote [illegible]
de cautam numerata . l. i. et C. qui potiores in pi [illegible] habe. l. ult. Instrumentum dotis constitute in pec [illegible]

Habitis et omnis consimilibus instrumentum . tria sunt capitula . s. confessio eius qui dotem recepit uel renunciatione exceptionis non numerate dotis . Et in hoc primo capitulo . de eo [illegible] nis de eo qui confitetur dotem recepisse [illegible] nendo de eo qui dedit dotem . Et uel [illegible]
[illegible]
[illegible] dos [illegible] . Quarto de renunciatione tionis non numerate dotis . et circa in hoc capitulo dote . faciendo est mentio . primum quod patet uel ex [illegible] neus dote datur . et sit instrumentum [illegible] in tenore tionem mulieris hoc modo . [illegible] in domo patris [illegible]
[illegible]
tradita in eo . ut patet ex [illegible] dotis stipulationes [illegible] traditionem facta esse . Secundum uero capitulum incipit ibi . Nec non promittens etc.
[illegible]
omnes casum et euentum quo dos restitui debue [illegible]
ut si pater debet pro filia dotem . con[illegible] utrum ipse

[illegible]

nāē nō [illegible]

[illegible] ḿŋo mo
te mato soluat. fiat dotis restitutō. et cau
[illegible]
voluntate peciunt. [illegible]

[illegible]
et obligatā bonoꝝ. que bonoꝝ obligatio [illegible]
[illegible] qui [illegible]
ul' pro sunt obligat bona mariti tacite ex m
et potestate legis. [illegible] plus opat̄ ex [illegible]
[illegible]
[illegible] cred [illegible]
na cp̄e pōrbus habentibus tacitā yprothe
cam. sed nō hntibus expssam. ut [illegible]
[illegible]
[illegible]
[illegible] R̄. Aūt ut qualiter forma dotis

I [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
morte mulieris filius nō extantibus [illegible]
vel solutū. possit [illegible] restituende.
dotis cū [illegible] de dote et filii [illegible]
[illegible] quamuis [illegible]
[illegible]
[illegible]
[illegible]
comendabile puto. mulieres enī quarum [illegible]
[illegible]
et deformitatem forme femine p [illegible]
[illegible]
[illegible] si ean bona mariti. da [illegible]
[illegible]
[illegible]
[illegible] ut [illegible] ad se [illegible]
[illegible] mulieres [illegible] quos [illegible]
[illegible]
[illegible]
lupus agnū. femina [illegible]
[illegible] gladio diaboli
[illegible]
[illegible] fons. fomica. Et hinc ē q [illegible]
[illegible] lex [illegible]
mulierū [illegible] non in matū [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] non [illegible]
[illegible] permittat simpliat
[illegible] non adiaciens de bonis cuius pmittat.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ponsam possi [illegible]
[illegible] dote [illegible]
[illegible] pmissione. l. [illegible] pat̄ expssit se dat
dote solum de bonis filie sue et nō de suis [illegible]
[illegible] dote [illegible] solomo
de bonis filie. [illegible] ut mulier do
tem. [illegible] ut ff. [illegible] l. pmittendo. Item
[illegible]
[illegible] patris. ut C. de dotis pmissione.
l. [illegible] si dos soluto [illegible] potestatis
[illegible]
[illegible] non licet pat̄ [illegible] dotis [illegible]
[illegible] nisi [illegible]
sit diminuta. et hic [illegible] a patre. [illegible]
[illegible]
nisi [illegible] ut [illegible]
[illegible]
[illegible] constituere [illegible]
[illegible]
[illegible] ff. de iure
dotis. l. quero. Item si quilibet [illegible]
[illegible] p muliere pot constitui dos.

[illegible]

repeti non pot. ut ff. de condictione [illegible]

[illegible]

[illegible] pot [illegible]
[illegible]
ut ff. [illegible]
[illegible]
[illegible]

[illegible] est pollicito [illegible]
[illegible] ut [illegible]
[illegible]

[illegible]

[illegible] mobili. et immobili. et [illegible]
tota. ereaq mobili parte [illegible]
[illegible]
incorporali [illegible] et [illegible] et

[illegible] dote [illegible] augmento dotis [illegible]

nisi fieret [illegible] mulier pupill[illegible]

[illegible]

C. de administratione tutorum l. lex. Qui conveniat in dote augmentatio vel restaurato [illegible] res sint in rebus mobilibus aut immobilibus [illegible]

[illegible] marito venditionem faciat. ut. ff. [illegible] l. plurium. vim res extimata in dotem data [illegible] emptioni. Sed si sint res immobiles in eorum [illegible] omne comodum et incomodum pertinet ad mulierem. preter fructus qui cedunt marito pro honeribus matrimonii sustinendis. ut. C. de iure do[tium]

textus c nota quod his i[n] [illegible] modi [illegible] solet mulieret

D[illegible] non est quod mulieri legem [illegible]

[illegible]

Liceat enim quod talis stipulatio in hoc [illegible] ut [illegible] maritus vel qui vis debitor obligat quedam stipul[illegible] et quedam [illegible] [illegible]

[illegible] in rebus mobilibus quia in eo [illegible] quod ista stipulatio obligatio circa [illegible] mulieri [illegible] derogetur. Unde ex hoc [illegible]

[illegible]

Item no. quod licet fideiuss[ores]

L[illegible] fideiussores obligari [illegible] fideiussores vel man[datores] [illegible] prohibitum est. ut. C. ne fideiuss[ores] vel mandatores dotium dentur [illegible] mulieri marito pro dote quam ei promisit [illegible] tenet fideiussorum ratio. ut ff. de iure do[tium]

[illegible] fideiussores vel mandatores dotium dentur et [illegible]

[illegible] sentiunt. quia lex prohibet marito. et patet quod [illegible] dotem recipienti ne det fideiuss[ores] [illegible] ne petat. ut [illegible] fideiussores vel mandatores. si ergo quod fuit ipso iure non valet. ut. C. de legibus. et [illegible]

[illegible] credi dos potest [illegible] non [illegible] dicit [illegible] perfecto debet [illegible] ut in [illegible] l. no dubium. [illegible] voluntate mariti. ille se potest [illegible] obligare. ut C. de dote cauta non [illegible] ceterus huius notule et [illegible] sequentis. et [illegible] opinionem [illegible] tutior via. De [illegible]

Si tempore contracti matrimonii augmentum [illegible] dotis [illegible] mariti fiat instrumentum dotale [illegible] probabile [illegible] est. quod dotem [illegible] maritus vel recepit vel sibi [illegible] spectat. Hoc [illegible]

[illegible]

vel augmenti dotis. in quo maritus [illegible] vel res mobiles [illegible]

[illegible]

possit. Sed si in dote vel [illegible] sunt res immobiles [illegible] vel [illegible] maritus [illegible] [illegible]

habent [illegible] et dos et dotis augmentum [illegible] potest in rebus quibuscumque. ut in [illegible]

tur. Dos enim pp [illegible] no [illegible] ... ante nuptias. l. Cum mulier ... [illegible]
... donationibus. ¶. Si nos. [illegible]
... ex tali instrumento dotis [illegible] ... animo
... [illegible] ... [illegible] maritus confessus

[illegible] alia pecunia. habebit uxor ut et heredes ... [illegible] dem dotis actionem. et
... [illegible] ... donationis sue
habebit contra maritum. cum publico instrumento sit [illegible]
... [illegible] ut in auctentica de fide instrumentorum. ¶. Si mo
[illegible]
... [illegible] ... et quando
... [illegible] ... dissolutum est matrimo
... morte uxoris. aut morte mariti. Si mor
te uxoris et in finis dotem datam neget dicens
se eam donationis causa constituisse. de estimandum
est ... [illegible] ... et pater eius est nobilis et pau
... [illegible] ... ille sit maritus
... [illegible]
... [illegible]
... [illegible] dotem non datam. set de
... [illegible]
... [illegible] obuenit mulieri. ut obu[illegible]
... [illegible]
... [illegible]
non ... [illegible] tunc tradit dotis actionem. set
... [illegible] nos inuenimus l. cauta.
¶ [illegible] matrimonium morte mariti sit solutum.
... [illegible] ... donatio mor
... [illegible]
... [illegible] mulieris
... [illegible]
... [illegible]
... [illegible]
... [illegible]
... [illegible] ... dotem ... [illegible] ... ut de
... [illegible] dotis que dotis ... [illegible]
dotis ... que dotis donationis ... [illegible]

... [illegible]
et ... [illegible] est sponsali
... [illegible] ... bona me
... [illegible] aliquam fecerimus. ¶ Donatio ... [illegible]
... [illegible] ... sponsus ... [illegible] nomine sponse
se ul alij suo nomine. ut. ff. de iure dotium ... lecto
l. [illegible] ¶. Siquis pater. et uocatur antiferna. ab
anti que est contra et ferna que est dos. quia contra ... dona
tio. sicut maritus accipit ab uxore dotem. ita e contra
uxor hac donatione propter nuptias ... et ...
ita est donatio sine ... non potest. ut. C. de do
nationibus ante nuptias. l. cum multe. ¶ [illegible]
maritus dotis et donatio ... [illegible]
dos non [illegible] matrimonij. ut dote
... [illegible]
... [illegible]
... [illegible]
... soluto matrimonio reddenda est uiro. sicut dos mu
lieri. quia equis passibus ambulant. ut in aucten
de equalitate dotis. et fit hec donatio solomodo ob
hanc causam. scilicet. ut mulieri consultum sit in dote. quia
... donata sibi petat satisfacere de dote
... [illegible] non potest ... in dote. debet ... tamen donari ... equalitatem datam in dote
... [illegible]
... [illegible] ut ff. de
... [illegible] super dote. l. ex morte. et uocatur
... [illegible] canonicum [illegible]. ¶ Set
... [illegible] donatio sine largitio. ... illa quam
... [illegible]
... [illegible]
... [illegible]
... [illegible]
... [illegible] post ...
... [illegible] donationem ... [illegible]
... [illegible] ... ij. ¶ Et no. quod tales donationes
fiunt ... [illegible] matrimonium
... [illegible]
... [illegible]
donatione tradita non repetit ... [illegible]
ut. C. de donationibus ante nuptias. l. cum ueteri. ¶ [illegible]
... [illegible]

[illegible]

Et hec donationes oīno · p quas donator inopior et accipiens locupletior fiat [illegible] deficiente donatio tenet. ut [illegible]

[illegible] ut ff · [illegible] sponsis [illegible]

Porro ille donationes aliā dissoluū[illegible] [illegible] ali alia parte · et alie non confirmant · Exp[illegible] se revocat donat · si donatarie omnino peniteat et eum donationē revocasse pateat p suprā [illegible]

Et si res donata pignorata sit uel [illegible] uel alio quocūq modo allienata [illegible]

[illegible] Sta te nō revocat si [illegible] [illegible] donatio [illegible]

[illegible]

Confirmat aūt si donatio · si prius decedat is qui donavit · [illegible] is cui donatū ē · et donator in eadē voluntat[illegible]

[illegible]

illius aūt donatio [illegible] tis int consocia[illegible] et eos qui contingibus [illegible] pertinent causā [illegible] tis omnino · Desbus preterea nota q dos g[illegible]

Quoniā h notula in testu nome mentionem facit · et circa ipām restitutionē h duo di[illegible]ximus · s · p'mo cui competit actio exigendo dotis · Scd'o quā et in quibus casibus exigat. Sup p'mo sciend' ē · q si pat' ul' parens nōie si[illegible] lie sue familias dotē dedit pfecticiā · et ea in continenti stipulatus ē q reddat · ut in morte[illegible] ei possit stipullari · et aū q sponsa sit tradita [illegible] · et [illegible] copulli cognita · tūc actio dotis ex stipullat' sibi soli competit · et ipse sol[illegible]

[illegible]

stipullet' post [illegible] et consumatū matrimon[illegible]um · tunc actio dotis coīs est pat' et filie · ut ff solut[o] matrimonio · l · quot · ita q pat' sine [illegible]

[illegible] filie dotē exigē nō pōt · licet ipa [illegible] acquiez[illegible] in [illegible] uoluntate [illegible] sibi assentientis · ut ff so · ma · l · iu · § · ulti · et l · non solu · et l · dote [illegible] pat' et filia · [illegible] nempatre p'morturo · sola filia agit et dotem exigit ut [illegible]

[illegible]

[illegible] ut · § · soluto m'rīmo · l · dos · a · patre p[illegible] fecta · set si libris desentientibus [illegible] mulier [illegible] ut ff de minoribus l · [illegible] institutia [illegible] qualitate et [illegible] · § · Om autem [illegible]

Si uō mulier dedit dotē · [illegible] est ei et suis h[illegible] bus competere dotē actioēm et stipulatu · ut ff so[illegible] luto matrimonio · l · quot [illegible] si extraneus pater uel [illegible] · uel alius quis · qui nō hēt muliere in potestate p ipā muliere dotē det · distingue [illegible] stipulatus est [illegible] uel pactus in [illegible] [illegible] et ipe [illegible] [illegible]

[illegible] pactus [illegible]

[illegible] bus competit · q [illegible] ille extraneus mulier[illegible] [illegible] esse [illegible] et ei mulieri [illegible]

Nunc [illegible] loco [illegible] qui et in quibus casibus dos restituenda sit · Et certe nō solū matrimonio dissoluto · set etiā con[illegible] [illegible] trimonio dos [illegible] restituit' de necessita[illegible] [illegible] uoluntate restitui pōt.

[illegible] necessitate restituitur · q[illegible] [illegible]

[illegible] bona et eius [illegible] male uti [illegible] [illegible] equalitate dotis · § · illis quoq · Et [illegible]

[illegible] dote · [illegible]

[illegible] potestatem [illegible] [illegible] uellit · sicut haberet [illegible] matrimonio · nec hēt potestatē allienandi hūmōi res · uiuente ma[illegible] [illegible] et [illegible] · ut in [illegible] · l · [illegible]

[illegible] · § · manente · et hī [illegible] exactio [illegible] [illegible] p [illegible] consensum · Sponte aūt et de uoluntat[illegible]

[illegible]

[illegible]

... cum ipsis soluat dos. l. ... [illegible] ... matrimonio. ... transacto anno post matrimonium ... Et si tunc non fiet dotis restitutio ... [illegible]

... dotis restituta ... [illegible] ... mentione ... ad egestatem ... [illegible] ... pactum aut renunciatio ... bonos mores ... [illegible] ... in gillu aut vendit ... [illegible]

... adulterium committitur ... dote ... [illegible] ... et restituit donationes ... ut C. de inutilis ... l. ... [illegible] ... text. ... tercio quod aliquis contigit ...

Anulletur nobis materia ... notula ... de dotis restitutione tractare. ... [illegible] ... thema ponit. ... Boetius ... antonius filius suus ... dotis recepte a nuru sua ... se obligavit ... emancipavit antonium ... [illegible]

[illegible] ... et in itinere ... [illegible] ... ut ... [illegible]

... matrimonii ... Itaque Boetius dotem ... filio suo emancipato consignat, et securi... eam ab eo recepit. hoc instrumentum quod nurus vel ... heres ... dictus ... vel eius non tenet. sicut patet ex textu iuris ... Vere est tamen quod non ... nulla lege qua nos loquimur ... quod mulier ... illa de hac dotis restitutione se non debet intromittere ... ei consentire ... socerum pro sua ... securitate obligatum tenere. Et quid si ... sentiret ... et socerum absolveret ... puto hoc ... [illegible] ... notula ... videmus enim ... [illegible] ... ut se et suos allat ... Cum igitur ... [illegible] ... matrimonii ... de suo mandato dos non potest ... Respondeo non est dotis constituto sed quedam innovatio ... quia maritus dote recepta novum instrumentum dotis facit uxori, in quo confitetur dotem recepisse a patre de mandato uxoris. Sic igitur puto quod nurus socerum absolvere posset, et ei restituere instrumentum totale ... Boetius a ... filio suo ... cautionem. Instrumentum sponsaliorum et matrimonii

Quod habet rubrica omnium contrahendi.

Quoniam nobis iminet ... sponsalia et matrimonium ... aliquis de utroque intendere. Et ante de sponsalibus que sunt preparatoria nuptiarum. Et primo quid sint sponsalia, et unde dicantur. Secundo quibus modis contrahantur ... [illegible] ... sponsalia ... Sponsalia sunt futurarum nuptiarum ... de sponsalibus. l. i. ... [illegible] ... sensu repromissio ... matrimonio contrahendo, puta accipiam te in ... accipiam te in meum ... sponsalia ... quia spondent ... sponsi sponseque ... Contrahuntur autem sponsalia secundum ... modis ... simplici ... accipiam te in ... [illegible] ... sponsalicius ... [illegible] ... anulli subarratione ... sacerdote ... consensus matrimonialis ... sponsus ... sponse anulum ... secundum consuetudinem ... tunc per anulli ... [illegible]

[illegible]

... vel filia ... quod mutuo ... utrique significetur ... ut puta ... [illegible] ... sponsalia ... [illegible] ... matrimonii ... [illegible] ... vel ... matrimonium ... [illegible] ... sponsalibus ... [illegible] ... matrimonii

vendii sponsi
nō quia arre datio
ñ p̄fēe ut
ēstar

ēt sponsi ul' sponse

.inos

ne
di omnis

na

ja qui nisi' ntie copl
[illegible] et [illegible] excōicatus ñ
[illegible] statu durante nō
[illegible] matrimonii conf
[illegible] uinculū [illegible]
[illegible] ei p̄pria de [illegible]
[illegible] ē alio matrio
[illegible] ambo sint
ad pubtatē [illegible]
impuberes eis
est [illegible] consensus
sponsalia de futō
iurs canoni
Secun. dubis si alt' sponsoz transferre se ad alliam

expectare et nō redire.
Secund9 ē si alt' eoz incurrerat leprā
uel infirmitates
se excellunt.
te.
alt' [illegible]
cū alt' spon
N

et ē
rent

autem

quē accepit

ipso iure [illegible]
te [illegible]
[illegible]
ul' matrimonio uel contractū. et p̄mo quid [illegible]
monii et [illegible] et quare [illegible] inuentū.
Tertio que sit [illegible] quibus [illegible]

Possunt hic moveri questiones. Pone quod puer et puella impuberes contrahunt matrimonium. post illud de presenti quero utrum aliquid agatur. Non est matrimonium. impediente etate. Non sponsalia quia fit in verbis de presenti. sponsalia sunt mentio de futuris nuptiis. Quid est dicendum? aut intendunt puer et puella matrimonium contrahere aut non sponsalia aut intendunt simpliciter ad id quod possunt. Si primo, non valet ut ago. Si valet ut valere potest. In secundo casu nichil agitur. non matrimonium. quia illud contrahere non possunt. non sponsalia quia noluerunt. In tertio casu valet et tenet sponsalia de futuro et sic potest intelligi extra de sponsis impuberibus. tue nobis.

Pone quod puer annorum vii sponsalia vel matrimonium per verba de presenti contrahit. post vii et ante pubertatem per matrimonium consummat. Nunquid ex tali actu confirmantur sponsalia post septennium que ad primos contractus post inchoata pubertate ... ad hec ... sponsalia ... contrahere ... ratificata videntur sponsalia ... impuberibus. Litteras ...

iteru ...
ista quattuor nomina. Nuptie. matrimonium
connubium sunt consignificativa et proprie supponunt ... matrimonii ... termino
intelligendo ... consensum ...
et consensus ... presenti ... significat
... carnalem copulam ... ut ...

... ut ...
usque hac interruptione ...

... optimi ... et ...
tamen ... quibus ...
maritus ... filios
magis ... matrimonio solatio ...
...
laborioso ...

... femina
... de nup
... Nam ... etas discretionis ... natura legis
... et canonibus determinata ad matrimonium contrahendum ...
... et corpus potest ...
... hos annos anticipat ...

iuoz

... filii familias
... quod licet ... filii familias
matrimonium contrahere non possint sine parentum consensu
potestate ... nuptiis ...
iura canonica non est necessarius consensus parentum
tum nisi de honestate ... solus consensus eorum ...

ergo ...
... et ...
et utroque dicente ... accipio ...
et matrimonium ... et licet
... solo consensu
... continuatur
... omitto.

Demum dicendum est quibus dictis mat...

Mulier matrimonio ... absoluta a lege
... matrimonio ... et de nuptiis

... quicumque ...

... et ...
... in infantia ... matrimonium cum fuerint adulti ...
... solvet. ... plus ... annis ...

Circa ...
...
Impediunt ...
...
tenent.

[illegible] ... que incipit ibi ... obligatione ... illa ... Antonius ... et contenderunt ... Nam ... Antonius ... [illegible]

... matrimonii ... sponsus ... sponse ... et agit ... matrimonium confirmatum ... debent ... reddere duplicatas.

Incipit tertium capitulum de debitis.

Hoc generaliter nomen contractu ... dictionis ... quolibet fere alio sit in utroque ... credere et debere. Cum hoc tamen ... illos specialis contractus ... qui quasi communi et vulgari appellatione ... nomine creditoris et debitoris describuntur ... ille specialiter creditor dicitur qui dedit aliquid illud ... recepturus ... [illegible] ... significatur ... nulli creditur ... vulgaris ... qui ad aliquid ... obligatione ... [illegible]

Item et commodato. Et etiam ex deposito ut ff. de rebus creditis. l. ... et quod ducis ... quid ... quidem ... et ad redditum ... et ad restitutionem ... quem nobis astringimus ... commodati. l. ... et deposito ... infra. Dividitur autem hoc capitulum in quinque partes: quarum prima de mutuo agit. Secunda de ... negotiationis ... causa ... Tertia de commodato. Quarta de deposito. Quinta ... infert ... sacramentum ... Utique ... in prohemio huius ... mutuo ... singularem ... ordinem ... de mutuo ... consultatur ... fiat ... contrahatur. Mutuum dicitur quasi de meo tuum fieri ... compositum ... [illegible] ... mutui ... in pondere ... numero ... mensura ... ut argentum et similia ... frumentum ... [illegible] ... Sed ... mutuum ... [illegible] ... Sequitur ... mutuum ... commodatum ... depositum ... [illegible]

de reb. cred. l. si se. ¶ ut aut pono ¶ [illegible] modo quo debitus debet fieri redditio pura & ad nūm redi ul monstrari receptū ad nūm ul ad mensurā. quia nūm recep sunt eez. ut uidelicet res i mutuata cu͡re[dd]antur simili mo[d]e sin[gu]li[s] quam tū ad genus et quantitatem ad modū. et q͡ntū ad utilitatem et pau ¶ Sic contrahitur obligatio mutui [illegible] et [illegible] mutuatione [illegible] re ī mutuatione dicitur obligatio contrahi. ut in [illegible] quibus [illegible] obligatio [illegible] [illegible] mutuū [illegible] [illegible] tio sola inueniuntur: nō secuta stipullatione que ē de iure ciuili [illegible] [illegible] ideo non datur condictio de re mutuo in fine [illegible] in tantū quantū datū ē nō ultra. Nam si tibi dedero [illegible] ut [illegible] non contrahitur nō [illegible] obligatio: nisi in quantum datū ē. q[illegible] supfluum ē: neqz tamen [illegible] pot ut datū ē. neqz tamen usura. quia usura [illegible] pecunie [illegible] stipullationis [illegible] usuris. l. quamuis. Sic ergo tenetur debitor ad id solum reddendum quod recepit ex mutuo [illegible] liberatur [illegible] ut [illegible] si certū petat. l. [illegible] [illegible] mutue [illegible] [illegible] ut [illegible] [illegible] quibus modis re contrahitur obligatio [illegible] [illegible] [illegible] [illegible] ut ff. de si certū petat. l. [illegible] tio. ¶ Sed qd̄ dicitur mutuum naturale [illegible] [illegible] [illegible] mutuum [illegible] [illegible] qui cū alius me uolente mutuent pecuniam meā. sine causa sua meo ui noīe. et [illegible] [illegible] [illegible] ego uideor mutuasse. et contrahitur mutui obligatio: et [illegible] in [illegible] ex mutuo [illegible] [illegible] [illegible] suo. ¶ Sed et [illegible] noīe mutua[illegible] ē causā igno[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] noīe mutui ē. et ut acquiritur [illegible] [illegible] obligatio [illegible] [illegible] [illegible] noīe: ubi mutui [illegible] noīe utilis [illegible] sine [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pecuniam [illegible] [illegible] tollitur actio que nata erat ex mutuatione. [illegible] stipullatione si stipulo sunt utiliter. [illegible] [illegible] noīe tuo sum stipullatus. et tunc [illegible] stipulatur [illegible] tibi a me. ut ff. mandati. l. si [illegible]. [illegible] stipulatio [illegible] [illegible] ul alii [illegible]. [illegible] stipullatio nō tenet. [illegible] [illegible] stipullari nemo pot. [illegible] ex mutuatione noīe [illegible] [illegible] [illegible] ut ff. [illegible] petat.

l. cum qui. et ff. si certum petat. l. [illegible] [illegible] nummos. et [illegible] [illegible] nobis acquiritur [illegible] [illegible] [illegible] [illegible] [illegible] mutuante. [illegible] nō solū contrahitur [illegible] [illegible] [illegible] ex stipullatione. [illegible] quod [illegible] [illegible] [illegible] [illegible] ¶ Sic si ex cā deposita ul mandati ul ex alia [illegible] pecunia. et [illegible] [illegible] [illegible] [illegible] mutuari. quia q̄ pecunia illa in deposito debita sit a te soluta. et remansit [illegible] a me mutuo [illegible] data. et ex mutuo [illegible]. ut ff. si certū pe. l. sin[gu]llari. et [illegible] [illegible] pecunia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] si pecunia nō sit p̄sens ul in conspectu. ut ff. e. l. [illegible] ultimo. ¶ Sed si pecunia nō esset [illegible] [illegible] [illegible] nō [illegible] in [illegible] mutui. ut ff. mandati. l. q neq ¶ Sed ex cā mutui [illegible] [illegible] [illegible] [illegible] [illegible] sine qd aliud ē [illegible]. ut uendas et nūmus [illegible]: quia si uendidisti et nūmos accepisti. mutuū erit ut ff. de [illegible] l. rogasti. ¶ Sed in [illegible] ne[illegible] ē [illegible] [illegible] utriusqz [illegible] ut mutuū contrahatur. alioqui nō nascitur obligatio mutui. [illegible] [illegible] [illegible] [illegible] [illegible] qui deponens et tu accepisti quasi ut mutuum [illegible] mutuū. et habebit locū [illegible] sine cā. ut ff. si certū pe. l. si ego. [illegible] mutuo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] competit [illegible] ex mutuo. et [illegible] que super sequentibus [illegible] de mutuo [illegible] [illegible]

Instrumentū mutui uni [illegible] tois [illegible] uni creditoris [illegible]

Sicut dictū ē [illegible] naturale mutuū in [illegible] modico [illegible] [illegible] mutuatore [illegible] et [illegible] contrahitur obligatio [illegible] [illegible] [illegible] ex a ex mutuatore. [illegible] [illegible] mutuatori. ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] creditum eamdē pecuniā stipulatur [illegible] reddi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] inueniunt stipullatio que ē de iure ciuili. ut in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] natura [illegible] mutuatione ut dictū ē. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] mentio de mutuatione. [illegible] mutuatre siue de confessione debitoris confitentis sibi pecuniā [illegible] [illegible] ¶ [illegible] [illegible] [illegible] [illegible] [illegible] suū mutuatū ē reddi ut ff. de [illegible]. l. [illegible] [illegible]. ¶ q[illegible] et in [illegible] quibus modis re [illegible] [illegible] [illegible] principalia capitula [illegible] mutui. [illegible] [illegible] [illegible] [illegible] [illegible] confessio [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] utriusqz ordinatus est.

[illegible] de nimio in omni stipulationis fiunt et uno contextu. quia licet dicere paululum ante vel paululum post mutationem de facta stipulatio. aliter non valet stipulatio. ut ff. de v. ob. l. i. § i. et de pac. l. iurisgentium. qui [illegible] sit [illegible] et ex illa sola agitur. Sed si intervenient simplo [illegible] [illegible] mentione [illegible] simplo [illegible] agitur tacite ut sola simplo tenetur. et [illegible] ut ff. de novatione l. si ita fuero [illegible] Et sic utilis stipulatus sum. puta quod [illegible] tunc agitur ex mentione [illegible] ut ff. [illegible] l. [illegible] conditio. Et quia post haec duo capitula sequuntur de alia quatuor secundum artis nostre cursum. et univ[er]salem et probabilem consuetudinem opor[tet] [illegible] instrumenti series dessertiva erit. ut dixi. per [illegible] nox et expensis reffect. Et bonor debitoris obligatio.

Ac non renunciatio beneficio [illegible] competentium. nec mireris si de quolibet istorum sit per se capitulum speciale in isto mutui et similibus. quia in aliis multis instrumentis. puta in venditionalibus et omnibus aliis pena et refectio [illegible] et bonor obligatio [illegible] [illegible] [illegible] [illegible] [illegible] unum quodque istorum per se [illegible] de capitulum [illegible] multis plurimisque in expositis [illegible] [illegible] sicut apparebit in sequentibus [illegible]

[illegible] [illegible] in dubio in sequentibus instrumentis. [illegible] [illegible] quolibet capitulo et [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible]

Instrumentum mutui duorum debitorum unius creditoris

P[illegible] [illegible] [illegible] mutuo [illegible] [illegible] [illegible] [illegible] pacto quod si [illegible] [illegible] [illegible] quoniam non duo [illegible] ita et duo [illegible] ff. si quis cautionibus [illegible] contractum [illegible] [illegible]

[illegible] capitula et omnia [illegible] [illegible]

Instrumentum solempne mutui duorum debitorum et creditorum.

In hoc instrumento et duobus sequentibus de duobus [illegible] [illegible] [illegible] [illegible] [illegible] in tempore [illegible] mutuo [illegible]

[illegible] [illegible] [illegible] [illegible] ut in [illegible] [illegible] [illegible] [illegible] [illegible] et hinc [illegible] tabellionibus expedit. pactum et obligationum que fortius debitores alligent. [illegible] [illegible] [illegible] hec reddunt mutuantibus magis [illegible] et quia [illegible] non minus plerumque [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] expositio valet [illegible] [illegible] [illegible] [illegible] [illegible] necesse est.

Sciendum est itaque quod hec in strumenti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] accidentalia et naturalia [illegible] capitula [illegible] possit in hoc instrumento [illegible] Cetera [illegible] capitula [illegible] et naturalia [illegible] post [illegible] huius [illegible] instrumenti [illegible] [illegible] [illegible] [illegible]

Primum capitulum est de promissione et stipulatione quantitatis mutuate [illegible] debende in quo quidem fit mentio de duobus reis debendi et de duobus reis stipulandi. [illegible] quos sciendum est quod [illegible] secundum [illegible] hodie [illegible] duo vel plures rei debendi [illegible] duo debitores [illegible] [illegible] [illegible] quantitate [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in solidum obligent. et quod renunciant autentice [illegible] duobus reis. huius enim interventu unusquisque [illegible] in solidum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] duobus [illegible] [illegible] [illegible] libent [illegible] [illegible]

[illegible] plures rei stipulandi [illegible] [illegible] [illegible] [illegible] [illegible] unusquisque [illegible] in solidum stipulletur et agat [illegible] [illegible] [illegible] in solidum [illegible] ff. de duobus reis [illegible] l. reos. quamvis si uni solutum [illegible] ab aliis [illegible] [illegible] [illegible] primo capitulo [illegible] [illegible] [illegible] in solidum stipulantur [illegible] de duobus reis [illegible]

[illegible] [illegible] [illegible]

e confessione debitorum [illegible]

[illegible] [illegible] [illegible] plenus et in conspectu [illegible] Si pecunia non est in conspectu et [illegible] debitores contitentur se

recepisse ex causa mutui pecuniam. Et sequitur in hoc instrumento [illegible] exceptionis non date non solute non numerate pecunie. nec sit in dubiis [illegible] tibus [illegible] 3. non in conspectu sit pecunia [illegible] tarec dabitur in manibus debitoris non tamen numerata [illegible] numerabitur in presenti et numerata [illegible]. Et tamen in [illegible] in solutio teneretur non [illegible] per [illegible] istis que in hoc capitulo continentur [illegible] confessio [illegible] [illegible] quia [illegible] et alia que [illegible] solui tamen est. non enim [illegible] pecunia illa tamen est. [illegible] debitor confitetur [illegible] appunt [illegible] non [illegible] debes vel [illegible] non numerate pecunie quia illa [illegible] solutio [illegible] non [illegible] mutuo [illegible] [illegible] confiteri [illegible] cum mutuum [illegible] hec [illegible] pecuniam quam [illegible] et ipso eadem debitorem ab ipso creditore [illegible] confessus [illegible] recepisse. [illegible] [illegible] [illegible] sic continet tibi numeratam. quia tu ne habet exceptionem non numerate pecunie. Positis hiis duobus capitulis primis [illegible] capitulum de pena ponatur [illegible] quorum unum incipit ibi nolentes et paciscentes et cetera. [illegible] qui [illegible] plures debitores se in solidum obligant. [illegible] enim sint in solidum obligati [illegible] creditor [illegible] debita [illegible] [illegible] si [illegible] [illegible] nisi creditor [illegible] [illegible] parte recipiendo [illegible] et quolibet [illegible] [illegible] hoc pactum [illegible] quo loquimur et [illegible] [illegible] [illegible] non minus [illegible] [illegible] [illegible] [illegible] incipit ibi. Et pro mittentes non [illegible] dictam pecuniam [illegible] non [illegible] et cetera [illegible] pactum [illegible] utile est quia licet exceptio non numerate pecunie [illegible] [illegible] [illegible] tempus [illegible] lege [illegible] Tamen si [illegible] vel debitores [illegible] [illegible] esse [illegible] committet. [illegible] [illegible] non plures solutionem et cetera. Set quia [illegible]

[illegible] debitor [illegible] [illegible] illa non valiere [illegible] [illegible] non obstante [illegible] [illegible] Videtur et alia [illegible] debitor non petit libellum debiti [illegible] hoc pactum non valiere [illegible] [illegible] exemplo [illegible] [illegible] exemplo [illegible] licet [illegible] posset [illegible] voluntate [illegible] [illegible] libellus [illegible] C. de [illegible] [illegible] et quia [illegible] [illegible] Et [illegible] [illegible] incipit ibi. Et [illegible] obligatus et cetera. [illegible] qui [illegible] minore [illegible] [illegible] [illegible] minore [illegible] et efficaciter tenebitur. [illegible] restituantur. Posset et alia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] et tabelliones [illegible] [illegible] [illegible] [illegible] debitoris [illegible] [illegible] [illegible] et nullam aliam [illegible] [illegible] [illegible] capitula. et [illegible] capitulum [illegible] de pena continens [illegible] in quolibet precedentium et sequentium [illegible] et pactorum in solidum [illegible] incipit ibi et si [illegible]. Set queritur utrum [illegible] pena possit peti vel non. et [illegible] [illegible] [illegible] [illegible] [illegible] legitimis usuris [illegible] sit [illegible] [illegible] et [illegible] [illegible] obligato [illegible] [illegible] [illegible]

Intimatur ... conventus non tenentur nisi [illegible] ... alienas. Si non petat [illegible] ... cap. [illegible]

[illegible] ... Ad ... quam pati quod incipit ibi. Et nichilhominus et c. et continuum quamdiu omnem latitudinem eius ... hoc modo: ut promittens solvere. C. Item ... pactum quod ... non solum promittens ... pene duplum. et nichilhominus ...

[illegible] ... debitor quatenus possit vel ad solutionem urgeri. Itemque sicut in ventus et petetur ab eo. Et est ... quod licet ... debitor ... quem ... locum et forum ... non potest ... nec illud ... valeret ... ut ille ... inter meus qui non meus. ut ff. de ... si convenit ... contractum ... vel solutionem facere ...

[illegible]

... ut ff. de obligatione ... et non ... ut ff. de ...

[illegible]

... sed in hac quam plurimum ... feriis per ...

... in aliquo ... et ... et in ... non ...

... ut ff. de ... contractus ... debiti ... tamen ... et nichilhominus ...

[illegible]

uel in iudicatio ... in ... vel libellum et hoc ... [illegible] ... tantum legitima ... solvat. C. ad ... in quo partes ... quantum ... et si non ... tempore ... quanti ... debitum ... Et hoc ... quantum in cognoscendo vel interrogando. Sunt enim aliqui ... in pronunciando vel in ... examinando ... ut ... loco ... scribit ... et in ... municipales.

... Capitulum de bonorum obligatione ... ut ff. ... qui hunc ... intelligunt obligari non solum res presentes sed et futuras. Et si dico obligo bona mea et res ... me presentes ... C. quod res pignori obligantur. ... C. de pignoribus l. obligatione generali et l. ... et aliquid ... ut C. de pignoribus. ... quia in hoc capitulo ... mentio ... debitoris bona obligata ...

... ut ff. de pactis l. ... et contractus ... Conventi post pacto res mobiles ... pacto ... et ... C. penultimo. Si pacto concedit ... consentientis ... Nec ... gat ... pacto ... quia ... ius ... pacto sola possunt ... unde ... quod

.C.

[illegible] p ducat. Et sic patet ex his [illegible] ul' bona obligata se con[illegible] a nomine possessionem. quod e[illegible] esse [illegible] [illegible] sit renocat. [illegible] sequitur post modum pactum per quod creditor hoc casu et [illegible] facere potest. quod quidem pactum [illegible] ibi. [illegible] q 2. domino in an [illegible] et c. [illegible] ex ratione [illegible] creditor transferio [illegible] domino [illegible] [illegible] compare pignus sine bona obliga[illegible] [illegible] et eis et illud vende[illegible] [illegible] retinere iusto pretio. [illegible] facere. si proximus aucto hoc facere. Et [illegible] bitor hoc eiecit pro primo [illegible] sus in quo creditor. ita sua potest occupare pi[illegible] [illegible] l. creditor [illegible] et de pignoratitia [illegible] item hoc [illegible] rium et ultimum [illegible] medio iuris. Ex [illegible] si hoc quamvis in [illegible] alio regulariter teneri, [illegible] in quolibet [illegible] multorum [illegible]

[illegible] no subsequatur. In multis [illegible] renunciatio fori sui [illegible] eo tantum [illegible] . Nam licet non [illegible] est ut patet ratione [illegible] an hominem in foro [illegible] ure [illegible] to [illegible] mentum phio domino [illegible] eno [illegible]

qui [illegible]

... obligatio ... nomine ... millo ... tenet ...

... caussa ... et penam ei ...

... hinc est quod ...

Si uero dicitur in isto titulo mutui sed ... quem uellent partes ut fideiussores ...

... ponat. in isto titulo capitulo ... de fideiussore tractare ...

... purum et simplicem ... confitetur ... recepisse mutuo ...

non ... igant ... in isto ... omnibus ...

... Instrumentum mutui ... contra acommune civitatis.

... mutuum ... in hoc instrumento ... pecunia in utili ...

ex quibus et ex actore · que

omnia ipso ... transferunt in

... onerabunt in actore ... et c.

... in ... dis ...

io cū buccenis ... ¶ ... iste q̄d tam

... fic ... ut ... magis

solennitatē minore ... ā ... ut ... et id h

moi muitasitates no ... ad eo ad quem ... finalles

in ... ale ... dicor

... et ...

... requirunt ... dictator ...

... et ...

... egoci ...

¶ ...

... finaut ...

... litt ...

Et debito loco etc. ... In

Instrumentum mutui ex causa cambii ...

... si ... per agendo dias ...

... emptor ... qui res ...

se ad ... credit debitore ...

qui ... soluto ... venditor ...

... in ... de vendicione ...

... bonorum ... p ... et ... g ... et ...

... quantitate ... ut ...

certo loco et termino ... et ... hic ...

pente uer ¶ Ut ... hoc instrum ... presenti

... tue ...

... eptos ...

¶ ...

[illegible]

... to de lucro cessans. [illegible]

Oblig. fideiussoris ex pacto isto substituti ... in supra themate dati.

Q[illegible] ... a scolaris ... non mutuet ... alibi q ...

[illegible]

... obligat ... fideiussor in isto ... vestri ut ... in istis ... fideiussore ... et quia ... quae in fine ... principalis se obligat ... itione. sed ...

[illegible]

... praemissi ... quia fideiussor ... ut in hoc est.

... et in debito ... obligatus ... pactus fuit ... debiti ...

[illegible]

illo e ipi cot huiꝰ debiti ostiganit. Ipe dictus p lecto ꝯ et mei p[illegible]

[illegible] facto manu tabll not [illegible]

[illegible] se ad dictu debitu [illegible]

[illegible]

bo et tali cā [illegible]

[illegible] eqāl ēnuu [illegible] ad hoc [illegible]

i alhoz [illegible] menfin [illegible] statuend. [illegible]

an ipi creditoru [illegible] p [illegible]

contigniant. [illegible]

[illegible] in presenti exemplo. In

strm̄ debiti p solvendo precio mercatonū emptar.

Q[illegible]

[illegible]

[illegible] eius vendens ita instrm̄ hoc [illegible]

[illegible]

g emptionis pretio et tantum sit si prein vendere [illegible] minores aut sunt [illegible] q̄lescumque qualiscumq sunt [illegible] sunt bona ul' mala et nichil imputet [illegible] tu si vendentur [illegible] ul' defectu rei [illegible] bat et emptore [illegible] no admonuit. [illegible] no prodest et qui semp tenetur ad [illegible].

Si uō [illegible] precii et precium [illegible] et emptor. [illegible] Item i sctb capitullo [illegible] qd creditor [illegible] stipullatur pau [illegible] Jacobo et aliores fribus eius et [illegible] possit debitum in totlo [illegible] filli suoi ul' alicuius absentis [illegible] non possit [illegible] fiat eis actio quod modo [illegible] i pauc noie [illegible] stipulante. et [illegible] no querit [illegible] acto [illegible] notam̄ e in primo cap [illegible] instro uenditionis [illegible] domus [illegible] [illegible] fiat soluto [illegible] debitore [illegible].

[illegible] ad sibi in solidum et [illegible] solidum [illegible]

Ceterū e ut qd directo ad solidem recte sol [illegible]

Si uō ex residuo precij mercacionū emptarū pmitatū pecunia ita scribes.

P[illegible] contingit qd emptor partem precij sol[illegible] et tunc i instrō ipā [illegible] e mentio d tota re uenditā [illegible] recepisse a venditore. ut hetur i primo cap [illegible] eius rei empte pmittat illa quātitas. eo qd dr̄ quātitas illa e restanti totl rei uendit [illegible] in hoc instrō si placet pmittē pmissioē de stipulatem de illa quātitate pcii ut sobte [illegible] et postponē cum fiant [illegible] in duob̄ [illegible] Si uō ex residuo precij ali [illegible] i mo [illegible] ē ff alia [illegible] Si uō d' tota re.

R[illegible] instrm̄ [illegible] duo instrā [illegible] rubricis supra [illegible] et pmissio. [illegible] i hoc [illegible] a precedenti qr cū uendit ul' pium ul' aliter [illegible] ipi [illegible] ul' rei credit [illegible] de eo [illegible] et empto no [illegible]

[illegible] primo et [illegible]. [illegible] qui uendit domus ut eo [illegible] si pau ul' partē precij credat emptori [illegible] et [illegible] primo instrm̄ emptionale i quo confiteri debet uenditor toti precii recepisse eo qd instrm̄ eptioīs et uendictioīs [illegible] et [illegible] appareat a eo pcii fuisse solutum et p consequens dominiū aquisitū [illegible] rei ēpte non [illegible] querētur emptori quāsi uendi[illegible] solutū [illegible] et [illegible] emptionale e emptoris. et emptor soluit [illegible] et ei soli debet [illegible] et p [illegible] se pcii soluisse et p consequens dñiū aquisisse postmodū [illegible] pcio et parte pcij credita debet [illegible] instrm̄ debiti qd [illegible] qui pcii credit et [illegible] et soluto pcio [illegible] et [illegible] uenditor cū fessus [illegible] toto pcio ē soluto in litera instrī emptionalis [illegible] fessionem [illegible] et [illegible] non [illegible]

[illegible]

Ite[illegible] g [illegible] [illegible] c [illegible] ideam [illegible] or [illegible] teneat eis [illegible] actiones [illegible] [illegible] sio[illegible] [illegible] tenebit [illegible]

I[illegible] est qui constituit dos et pars dotis sol
uitur et tunc quia tunc maritus obtinet re
in istro dotali totam dote que soluta est et hec
instrum est uxoris. Item valet etiam aliud instru
debita in quo promittit maritus quantitatem dotis re
dita non obstante confessione quia fecit in istro do
[illegible]
nachus in textu hoc duorum millium. Si autem ex
causa precii soluti promittatur frumentum.

[illegible]
o precii rei que traditur se constituit debitorem. Ne
[illegible]
eo ad rem tradentem debitorem se facere putat fructus
fructus quam indicatum est in reuera. Constat autem quod
huiusmodi uendicio [illegible] quia licet uideatur
uenditor pure sine condicione aliqua promittere in litera
instri certam quantitatem frumenti uel uini. tamen [illegible]
[illegible]
reddere si nascantur. et ideo si contingat non nasci non
tenetur uendere. Unde potest uendicio precium [illegible]
[illegible] in istro promitto tibi [illegible]
[illegible] si natum fuit ut ff. de [illegible]
[illegible]
[illegible] natum fuit non restituere precium [illegible]
[illegible]
[illegible] est si totum intelligendum quod [illegible]
[illegible] perpetuum [illegible] et illo [illegible]
[illegible] fructus [illegible]
[illegible] sine aliquo [illegible]
[illegible] non tenetur [illegible]
[illegible] precii [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

quia non uidetur esse deceptus. qui sciuit si certe
doctrinam debuit qui non ygnorauit. ut ff. de actione
empti l. i. et ff. de regulis iuris l. nemo. secus si ygno
rans donauit. quia tunc non tenet donatio. Item no
quod huiusmodi emptores fructuum [illegible] et uno
anno [illegible] phybite [illegible]
[illegible]
[illegible] familie [illegible] empto frum
emat tanto precio quanto [illegible] singulis annis
[illegible]
debent [illegible] quantitatem uel peius plus uel minus.

Instrumentum debiti pecunie mercandi seu negociandi.

Sicut precedens instrumentum debitorum instra. exprimit [illegible] et si
[illegible]
licet [illegible] et [illegible]
[illegible] causam [illegible] tale thema. Antonius
mercator [illegible] pecuniam accepit [illegible] nego
[illegible]
[illegible] quartam debet [illegible]
[illegible]
[illegible] quartam partem debet et imputabit. Et
reliquas [illegible] et in fine [illegible] parte [illegible]
[illegible]
[illegible] debiti [illegible] antonius ad [illegible]
tatem [illegible]
[illegible] constituit debitorem
[illegible] societas in qua socie
tate [illegible] arte et industria confert. Et adeo
non sola pecunia [illegible]
in tali ciuitate negociet [illegible] et non alibi. et quod
tenetur [illegible]
[illegible]
[illegible]
[illegible]
et [illegible] debitoris [illegible]
[illegible] se pecuniam illam accepisse a tali
[illegible] in tali arte uel lo
[illegible]
[illegible]
[illegible]
[illegible] in tali arte [illegible]
[illegible] lucrari [illegible]
quartam [illegible]
[illegible]
[illegible]
[illegible]
et [illegible] eius et forme que in aliis
precedentibus [illegible] debitorum in fine huius instri
apponit notarius [illegible]
[illegible] et hac ratione. quod si contingat [illegible]

illam pecuniam dominus mutuo vel eciam fortuito casu deperdiderit sentiet tres partes, vel duas que habet domino pecunie reddere non liberatur. sicut in incendio vel alio fortuito casu quem admodum in mutuo contingit. Debitor ipse tres partes contingentes sicut et mutuum omnino reddi debent. Et ideo quicquid consequitur dominus quantitatis capit pro illis tribus partibus que non subiacent periculo suo fenus est. quamvis perceperit quantum est pro quarta que ipsius periculo est licitum et permissum lucrum est. Instrumentum aliud debiti sub simili materia fideiussoris etc.

Licet hoc instrumentum et precedens videantur supponant negocium in due sit ratione et causa quamlibet istud addit precedenti cum notula inter utrumque posita vobis inveniet patet antecedentis inferi. feneraticium esse licet in hoc, sed docet ut presit licitum sine crimine feneris. quod diximus subtrahere et quod adde vera. Potest enim sine dei offensa creditor partem conventi lucri participare. Si tempore suo dei iudicio dampnosum sine debitoris culpa vel dolo contingeret quod ipse creditor totum sentiret. Nam per iniquum ut debitor vel quis alter in nichilo delinquens patiatur. Et quomodo sit liba debeat subtrahi vel utique tellus [illegible] docet [illegible] mittit in hoc et similibus personas fideiussores apponere. Licet indocti et [illegible] tabelliones enormiter ponunt. Nam plurimumque macellatores vel certo pecuniam accipiunt ad negociandum in arte sua et consortem ut in hac fideiussorem prebeas hos ambos [illegible] semel inique et faciat eos ambos [illegible] [illegible] [illegible] [illegible] ipsa pecunia [illegible] [illegible] e primo et conscientia ipsarum dicat et scribit quomodo cum est consimille quod miles in arte illa [illegible] est enim in hiis et similibus forma tenenda. Aut artifex ille confiteatur solomodo se pecuniam ad artificandum in negocio suo accepisse et solomodo promittat cum dicta pecunia operari. Si [illegible] et obligent in solidum ad pecuniam illam [illegible]

[illegible] Instrumentum comodati

Tercia pars in qua de debito ex causa comodati [illegible] tria invenimus scilicet quid sit comodatum [illegible] Secundo in quos [illegible] Tercio in quibus comodator et comodatarius in invicem teneantur. Comodatum [illegible]

[illegible] et [illegible] quod [illegible] non [illegible] [illegible] comodati l. [illegible] et in hoc [illegible] [illegible] fit [illegible] Unde mutuum quod de [illegible] factum. Item ex eo quod [illegible] gratuito notat gratis comodum fieri. quia si pecunia fieret locatio esset. Quomodo palliare contractus in [illegible] scilicet facio ut des vel in illo mandati. ff. ult. Et dicit ad aliquem specialem usum ad quem fit reddere. ut comodo equum ut ad bellum vel villam comodo librum vel alium exemplar vel ut tantum exaraleas. Et licet dicat aliud [illegible] [illegible] consumuntur et consistunt pondere numero vel mensura non comodantur sed mutuari dicuntur. In hoc differt mutuum et comodatum. Sicut autem comodati [illegible] [illegible] tam. et [illegible] revocari non potest nisi [illegible] et expleto usu [illegible] [illegible] aliquid [illegible] [illegible] [illegible] potius recepcerit [illegible] [illegible] [illegible] et in hoc differt a precario [illegible] usus prefinitus [illegible] [illegible] Sed [illegible] illos qui alia obligaciones oriri possunt de quibus habetur in notul [illegible] [illegible] comodanti et ei [illegible] [illegible] eadem rei comodate et eadem rei et non similis. et in hoc differt comodatum a mutuo ex [illegible] similis [illegible] [illegible] [illegible] simile eo [illegible] [illegible] comodati l. sed mihi ff. [illegible] Sed quid erit si res penes [illegible] perierit vel deterior fit [illegible] gratia et [illegible] fact est dolo [illegible] [illegible] dolo perijt. [illegible] equus surripitur sine eius levi culpa. ut quia equum [illegible] de nocte dimisit. dolo operatur et in dolo [illegible] et dolus [illegible] [illegible] aut si levem ei culpa. quia equum [illegible] [illegible] domum clausit. [illegible] ad extimatur [illegible] domino comodatis [illegible]

[illegible] et in [illegible] qui tenet [illegible]

[illegible]

[illegible] quos nec diligens et studiis homo [illegible] non potuisset: sed quorum divino iudicio [illegible]

[illegible]

[illegible] specificatus [illegible] contingunt aliquid [illegible]

[illegible] tenet [illegible]

[illegible] commodans [illegible] commodatario.

[illegible]

[illegible] et revocet commodatum. ut ff. [illegible] commodato.

[illegible]

[illegible] de inde [illegible] tenetur [illegible] et [illegible] de [illegible] commodatum [illegible]

[illegible] ibi [illegible]

[illegible]

[illegible] ut [illegible] et [illegible] contrahentium voluntatem ut inducitur in [illegible] ff. de [illegible] est quartum huius capituli [illegible] titulus sequitur

Hic quartum huius capituli parte [illegible] que continet depositum [illegible] et [illegible] hec notitia que incipit [illegible] de deposito [illegible] et [illegible] et [illegible] [illegible] deposito [illegible] [illegible] quid sit depositum [illegible] [illegible] in quibus [illegible] tertio in quibus deponenti depositarius teneatur. Depositum est quod [illegible] custodiendum [illegible] [illegible] deponente [illegible] deponente [illegible] et deposito [illegible] toto [illegible] et hinc [illegible] [illegible] [illegible] [illegible] ut cognoscat [illegible] et [illegible] et [illegible] deponente [illegible] et sicut et commodante [illegible] retinet et ideo non debet depositarius uti re deposita. quia rem alienam [illegible] domino [illegible] furtum [illegible] nisi [illegible] qui depositum [illegible] re deposita [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sigillata. et tunc [illegible] [illegible] sigillata depositum [illegible] [illegible] depositario ne utatur deposito ut ff. deposito [illegible] [illegible] [illegible] [illegible] deposito [illegible] [illegible] [illegible] non tenet depositum [illegible] deponens [illegible] neque [illegible] tenet in rem meam proprium [illegible] rem meam [illegible] ab eo [illegible] ut ff. deposito [illegible] [illegible] [illegible]

Tenet depositarius primo ut rem depositam [illegible] et [illegible] [illegible] [illegible] [illegible] et rem [illegible] quia non [illegible] [illegible] deposita [illegible] ut ff. deposito [illegible] et tenetur reddere quandocumque deponens [illegible] [illegible] depositum [illegible] [illegible] voluntate [illegible] ut ff. deposito [illegible] [illegible] [illegible] depositum [illegible] [illegible] depositum

quãm suis. puta quando suas firmauit l. [illegible]
et nos depositos diuisit ex suplendis: et e
securitate non caret. nec enim sua fit ex mora: in
[illegible]
[illegible] enim pfirmit bona sua sicut suis hic saluã
et tunc depositi non [illegible] in [illegible] l.
qui nouã. [illegible] C. locati. [illegible] de leui autẽ culpa et
leuissima non tenet [illegible] quãtu
[illegible] ¶ [illegible]
per leuẽ et leuissimã culpã si deposito se
obtulit qua sibi [illegible] pensit ut ff. e. l.
v. §. q super [illegible] si depositum sint gra [illegible]
[illegible]
petat l. [illegible] ¶ [illegible]
[illegible]

[illegible]

[illegible] ¶ [illegible] fortuitus casus [illegible]
[illegible] suo. ¶ [illegible] contingat [illegible]
[illegible]
Contra enim meam depositi non in [illegible]
[illegible]
[illegible] in casibus quos tribuere supponi

Infra iij de legatione de bitorie.

Duobus in quatuor [illegible] debitoribus quia [illegible] dicta [illegible] quia debitor [illegible] qualibet obligat[illegible]
[illegible]
[illegible] qua [illegible] est [illegible]. quod delegare [illegible]
[illegible]
creditum. ut ff. de delegationibus. l. delegare.
Qualiter autẽ delegatio fiat: [illegible]
[illegible] ¶ Delegare enim possum [illegible]
meos debitores meos dare creditori meo. ut
ipse debitum meum soluat [illegible] meo cred[illegible]
[illegible] quod michi debent [illegible] ex hac delegatione libera[illegible]
[illegible] ipso iure obli
gatio qua tenebar. [illegible] delegatum [illegible] et cum
[illegible]
[illegible]
fit delegatio. ut ff. e. l. delegare. §. et sic. post
[illegible]
[illegible] debitum creditoris mei. ¶ [illegible]
[illegible] ero [illegible] Infra.
[illegible]

Sicut contingit de fideiussore [illegible] obl[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible] agitur. ¶ [illegible] igitur [illegible]
[illegible] nolle fideiussorem [illegible]
principali [illegible]. [illegible] ambos [illegible] duos fideiuss[illegible]
[illegible]
[illegible]
[illegible]
et mandatus ¶ Item plerisque contingit
[illegible]
cũ ad unũ quemque eorum petentiã pro parte [illegible]
sive negocium pro parte [illegible] certum e. que
libet eorum pro parte que [illegible] se non [illegible]
[illegible] ut [illegible] fideiussisse. ut ff. de [illegible] l.
[illegible] §. ultimo. et de [illegible] l. pro
[illegible]
[illegible] qualiter fideiussione. hic fideiussor
mandati actionem [illegible] principalem [illegible]
mandante uel [illegible] fideiussit. et [illegible]
in fideiussoribus [illegible] principalẽ
[illegible]
[illegible] mandati non [illegible] fide
iussor. nec [illegible] principalẽ. [illegible]
[illegible]
[illegible]
nat. [illegible] fideiussori meo [illegible]
mandasse [illegible] obligando. et de soluendo. [illegible]
non [illegible] mandati. si [illegible]
no fuit [illegible] ff. de conductẽ [illegible] l. [illegible]
[illegible] sic [illegible] tenere [illegible]
[illegible] officiũ [illegible] grauis impedimenta
[illegible] que [illegible]
[illegible] nos oportet. ut ff. comodi
l. in comodo §. sicut. ¶ [illegible] mandata agẽ non pot. nec aduersus me [illegible]
[illegible]
et [illegible] se obligauerit [illegible] ¶ [illegible]
[illegible] hoc in quatuor casibus. in quibus princi
palis tenet liberare fideiussorẽ. [illegible]
[illegible] ¶ [illegible]
condepnatus e. sup eo in quo fideiussit.
[illegible]
[illegible] condepnari [illegible] in obli
gatione. ¶ Secundus si principalis bona [illegible]
[illegible] ¶ [illegible]
principalis certo termino fideiussione l. [illegible]
[illegible]
[illegible] ¶ [illegible] qui
[illegible]
[illegible]

num.

[illegible]

ssio [illegible] quia confitebitur debitor [illegible]

[illegible] duo [illegible] [illegible]

debitoris confitentis illum obligationi [illegible] fuisse [illegible] et mandat [illegible] fideiussisse [illegible] [illegible]

[illegible] quia se obligatos fideiussisse [illegible] [illegible] tempore et loco. et cum [illegible] [illegible] [illegible] [illegible] obligationes penales [illegible] [illegible]

[illegible] liber [illegible] [illegible] expedit [illegible]

[illegible] et frequentius [illegible] [illegible] actiones [illegible] debitor [illegible] quos [illegible] [illegible] [illegible] [illegible] et aliis similibus quibus [illegible] [illegible] debet [illegible]

[illegible] cessionis [illegible] ordine [illegible]

[illegible] nominibus [illegible] tractat. et cessionem iuris [illegible]

[illegible] se separare intendit. Et quia in hoc titulo [illegible] [illegible] [illegible] cessione [illegible] [illegible] [illegible] [illegible]

[illegible] de [illegible] de solidi [illegible]

Et [illegible] prima de [illegible] [illegible] [illegible] [illegible] [illegible] et titulos [illegible]

[illegible] et [illegible] [illegible] acquirat et [illegible] [illegible] [illegible]. Nam [illegible] [illegible]

[illegible] vendit [illegible] et quolibet titulo [illegible] traditio [illegible] [illegible] [illegible] [illegible] [illegible] in translatione [illegible] [illegible] [illegible] que reputat [illegible] traditione [illegible]. Non tamen dico [illegible] [illegible] omnis actio [illegible] [illegible]. [illegible] [illegible] qui cessio tenet [illegible] [illegible]

[illegible] fiat puta. quia legavi tibi nomen debiti et [illegible] [illegible] debitorem meum pro debito competente. tenet cessio et legatum. et [illegible] legatarius [illegible] ex legato nomina. ut ff. ad trebellianum. l. i. [illegible] actio [illegible] res legata non erat litigiosa. Set si erat litigiosa tunc enim non legatarius set heres [illegible]. [illegible]

[illegible] nomine et [illegible] [illegible] si fiat ex [illegible] [illegible] [illegible] potentiori. [illegible] qui [illegible] [illegible] et [illegible] [illegible] cessio est nulla et [illegible]. ideo [illegible] qui cessit [illegible] [illegible] ulterius agit. Et [illegible] exemplum etiam in tutore [illegible] [illegible]. [illegible] si [illegible] [illegible] pupillum [illegible]. quia [illegible] [illegible] [illegible] [illegible] quia tutor [illegible] [illegible] [illegible] [illegible] non potentiori. [illegible]

[illegible] et [illegible] [illegible] et [illegible] [illegible] [illegible] litigiosa [illegible] [illegible]

[illegible] litigiosa et cessio [illegible] [illegible]

[illegible] cessio [illegible]

[illegible] [illegible] non credit nisi solvit [illegible] [illegible] [illegible] vendite [illegible]. et in [illegible]. si [illegible] cessit. [illegible]

Incipit [illegible] [illegible] [illegible]

[illegible]

mutem nisi p[ro]ca[illegible] q[ui]a redit. plurimi [illegible]

tu ei q[ua]ntitate p[re]cii. quia no[n] e[st] u[er]isimile quod uenditor uolu[er]it tanta summa remanere tenere emptore[m] pro modico p[re]cio [illegible] se redime[re]. hinc tenet[ur] is qui cessit, p[er]sup[er]flu[u]m [illegible] et p[ro]pt[er] [illegible] cessionis debet ei debitor i[n] [illegible] qua[n]titate gaudent. Item plurime [illegible] si in [illegible] cessionis non exp[ri]mat[ur] qu[illegible] quo titulo. siue cu[m] fiat cessio. ut. C. [illegible] l. penult. Nunc [illegible] et [illegible] fit cessio [illegible] et que [illegible] transeat in eu[m]. [illegible] q[ui]d si actio[n]es [illegible] in uenditio[n]is uel donatio[n]is aut i[n] dote uel i[n] [illegible] lui pignori [illegible]. tunc ex quolibet [illegible] [illegible] nulla [illegible] cessione [illegible] solemni[ter] [illegible] que utili et [illegible] noi. [illegible] debitum [illegible] exigere. cu[m] ex quolibet [illegible] [illegible] illius nois siue debiti [illegible] [illegible] obligatio [illegible] et q[ui] [illegible] uel [illegible] l. ultia. et de [illegible] [illegible] et l [illegible]. Item [illegible] no[n] siue p[er]sonalem. neq[ue] noie [illegible] neq[ue] noie [illegible] [illegible] aliquem [illegible] sequit[ur] cessio [illegible] utilis in [illegible] ut [illegible] Se[illegible] [illegible] cessione [illegible] [illegible] item [illegible] cessio [illegible] [illegible] plene intelligentia no[n] omitto [illegible] patent. [illegible] [illegible] [illegible] [illegible] plus acto[r] eo q[uo]d in p[ri]ma ei [illegible] [illegible].

[illegible] effectu debiti [illegible] q[ui]a [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] p[er]sequendi. [illegible] et p[er]sonalis [illegible] [illegible] onem [illegible] non possit [illegible] [illegible] [illegible] quid ergo. et ff. [illegible] [illegible] cum intentandi [illegible] me p[ro]p[ter] [illegible] constitu[illegible]

[illegible]

[illegible] cum omitti. [illegible] q[uo]d si [illegible] no in [illegible] [illegible] re utilem qui [illegible] [illegible] [illegible] [illegible] quid[illegible] et [illegible] solui et [illegible] [illegible] in [illegible] l. empt[illegible] [illegible] in tribus casibus. in quibus debiti exigi no[n] [illegible] et debitor soluendo no[n] [illegible] [illegible] debiti [illegible] cum debitore [illegible] [illegible] ab [illegible] debito[illegible] [illegible] renouat [illegible] l. [illegible]. Item no[n] [illegible] [illegible] debebat uel q[uo]d [illegible] [illegible] exceptio [illegible] in ad [illegible]. Item no[n] teneris [illegible] [illegible] quantitate[m] nisi [illegible] [illegible] [illegible] [illegible] [illegible] q[uo]d [illegible] actus [illegible] et quibus [illegible] [illegible] puta societas. [illegible] omnium bonorum. [illegible] unicuiq[ue] [illegible] ab alio [illegible] et actio non [illegible] l. [illegible] et [illegible] Item no[n] [illegible] [illegible] uel [illegible] [illegible] Ad quid temporalis [illegible] ut ff. [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]

P[illegible] remissio cessionis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] q[ui]a [illegible] debiti [illegible] [illegible] [illegible] ex mutuo [illegible] [illegible] [illegible] [illegible] quantitate [illegible] cessit et

[illegible] in ipsa [illegible] frequentiores [illegible] agit de cessionibus post debita. ¶ [illegible] [illegible] modi. [illegible] [illegible] doctores et c. hic ponit questionem que fieri poterat in hoc modo. ¶ Cum antiqui doctores qui formas tabellionatus invenerunt. fuerit ipsorum doctrina contenti. uno instrumento cessionis. uno mutui. uno locati. et sic de multis. quare tu [illegible] cessionem [illegible] mutuis. et super multis aliis contractibus. videlicet de unoquoque illorum plures [illegible] formas edere voluisti: et [illegible] huic questioni respondet [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] negociorum [illegible] novas [illegible] [illegible] [illegible] [illegible] simplicitas non [illegible] propter que oportuit [illegible] [illegible] [illegible] multiplicatis negociis negociorum formas augeri. licet antiqui fuerint institutores et patres nostri. tamen maiora eis [illegible] [illegible] est. quia [illegible] et novas [illegible] formas [illegible]. ¶ In hac non [illegible] [illegible] [illegible] et postremo et c. [illegible] totum hoc [illegible] [illegible] per tria membra [illegible] [illegible] [illegible] agit de cessionibus. [illegible] de [illegible] [illegible] de [illegible] et [illegible] omnibus in uno capitulo [illegible] [illegible] in [illegible]

[illegible] [illegible] iuris et actionis [illegible] [illegible]

S [illegible] ¶ [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] cessio [illegible] [illegible] et actionis. ¶ De quarto [illegible] [illegible] ut scire debes in hoc loco intendere et [illegible] [illegible] nulla est [illegible]. licet [illegible] [illegible] [illegible] quod per se [illegible] propria habet significationem [illegible] ab alio. vel potes dicere quod iam primus cessit. propter utilem actionem que cedendo transfertur. ¶ [illegible] [illegible] primus [illegible] [illegible] et personalem que a cedente non transfe[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in isto constituens [illegible] [illegible] et c. ¶ Secundum capitulum [illegible] ibi [illegible] [illegible] et actiones et c. in quo describitur ius et actio cessa. et nomen [illegible] [illegible] debiti et omne quod competit et cedit [illegible] ¶ [illegible] incipit ibi [illegible] et c. in quo [illegible] traditionem [illegible] [illegible] [illegible] et [illegible] iuris cessi. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ¶ Quartum est ibi et [illegible] atque conveniens et c. in quo [illegible] et [illegible] se [illegible] creditorem [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] ¶ Quintum habetur ibi [illegible] [illegible] et c. in quo ponitur penales stipulationes [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ¶ Sextum [illegible] et ultimum [illegible] ibi [illegible] [illegible] [illegible] [illegible] et actionis cesse. ¶ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ¶ [illegible] [illegible] [illegible] capitulum instrumenti [illegible] actionis vendite [illegible]

Instrumentum cessionis [illegible]

L [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cessio actionis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] differt in duobus. primo [illegible] [illegible] [illegible] fit cessio actionis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quod restat ad soluendum fit cessio. Secundo in forma. quia primum instrumentum formam habet planam et extensam: istud autem sbreviatum et breuem. ex quibus aliter longa: aliquanto breuior forma potens [illegible] Primus istius fuit et precedentis. Sexti. ff. cap. primum describit contrahentes et titulum cessionis. Secundum ius et causam cessam. et nomen debiti cum contractu fit [illegible] constitutionem procuratoris [illegible] commissionem exercendi actionis. Quartum promissionem de ratihabitione et leguntiam cum promissione. Quintum penales stipulationes. Sextum et ultimum [illegible] actionis cesse

Instrumentum cessionis facte debitori quam unum ex debitoribus suis.

U [illegible] cessionibus que fiunt

ex causa uenditionis et emptionis spontanee [illegible] uendere et non uendere est in potestate uenditoris et emere et non emere est in potestate emptoris. ut C. de contrahenda emptione. l. in cunctis. Nunc uero de ea cessione que quandoque ex causa quadam necessitate fieri uideamus: et que est fere plus ceteris astricta. Sciendum est quod licet littera uideatur facere mentionem de debitore cohacto et soluente pro debitore suo eius intentio principalis est tractare de fideiussore pro principali suo soluente. Namque si plures sunt rei debendi unus pro alio uidetur fideiussisse pro eo quod ad [illegible] ut in auth. de duobus reis debendi in si quis alterna fideiussione. et C. de duobus reis. l. i. namque fideiussor ad solutionem coactus uel crapnal' impetrat causam ante quam soluat ei fieri cessionem contra principalem suum pro quo solutus est. ut ff. de fideiussoribus. l. si de mandato meo. et. l. paulus. i. Respondit unde non transit contra principalem ipsum actionem mandati si eo mandante uel patiente fideiussit. sed causa cessionem fieri uolunt actionibus competentibus creditori. si enim fiat cessio ante solutionem debiti. ut dictum fuit supra. et probatur. ff. de solutionibus. l. modestinus. et est ratio quare debet cessio fieri quia ad hoc creditori competunt actiones. Cum enim competunt actiones per solutionem tollatur obligatio [illegible] actio in [illegible] quibus modis tollitur obligatio. i. Respondit cum tota solutione desinit creditor esse. unde contra eum postea nulla sibi competit actio nulla potest cedere actionem. debet ergo ut primo fiat cessio in hoc casu quam solutio. nisi ante solutionem pacisceretur de actionibus cedendis. tunc enim ratione pacti precedentis quamquam post solutionem ualida est cessio. ut in dicta l. modestinus.

Item impetrat fideiussor ante quam soluat a creditore quod fieri cessionem contra fideiussorem uel fideiussores uel fideiussores pro parte dico non in solidum. ut ff. de fideiussoribus. l. fideiussores. C. eodem. Rubrica. i. l. fideiussoribus. nam sine hac cessione nullam habet actionem contra fideiussorem. ut ff. e. l. ut fideiussor. et ita colligas quod hec cessio non fit ex causa uenditionis. sed fit ex necessitate iuris. ipse enim creditor cogitur cedere fideiussori soluenti. et pecunia illa non soluitur ut faciat cessionem sed ut debitum. unde iste casus potest dici [illegible] sed non ut soluas. hoc instrumentum dividitur per [illegible] cap. similia per omnia [illegible] precedenti instrumento: excepto sexto in quo agitur si non de pretio sed de causa huiusmodi cessionis que est. quoniam ideo cedit creditor eo quod fideiussor ad solutionem cohactus soluere debuit.

Instrumentum cessionis ex titulo donationis ubi cedit plures debitores. scilicet quod unum quemque pro suo debito.

Sicut iam dictum est si contingat cessionem fieri pro parte ex causa uenditionis et pro parte ex causa donationis. lex cessionis illam que pro parte donationis simulatam presumit. et ideo non ualet quantum in eo pro parte perit actio. non ergo hic duo actus sunt in eadem actione miscendi: sed uel tota donata uel tota uendita sit actio. itaque qualiter ex causa uenditionis fiat cessio uideamus. Sciatis ergo quod sicut rem meam corporalem tradendo sic et rem meam incorporalem. i. ius et actionem cedendo possum donare. dummodo sit donatio uera et non ficta: et actio sit incorrupta: et dummodo in illis casibus in quibus exigitur sollempnitas et insinuationis siue de iure communi. siue de iure municipali ipsam sollempnitatem adhibeat. Item nota quod in hoc instrumento ponitur casus qui non solum in actione donationis. sed etiam uenditionis posset sepe contingere. puta habeo plura nomina debitorum ex diuersis instrumentis. Volo autem emptori uel donatario actiones meas contra plures debitores quamuis ex diuersis causis et diuersis instrumentis obligatos. nam licet plura et diuersa debitorum nomina sint contra omnes tamen simul cedere potero uno solo et singularis cessionis instrumento. Verum est tamen quod tunc esset pro uno debito unam cessionem facere instrumentum. itaque facta solutione unius debiti [illegible] debiti et instrumentum cessionis.

Ponitur huius instrumenti capitula sunt v. similia v. primis capitulis precedentis [illegible]

Si non cedantur iura sed ipse res uel [illegible]

Quod dicit unum micui [illegible] contra debitores meos ex diuersis [illegible] et eum [illegible] [illegible] alii [illegible] possum [illegible] de pluribus instrumentis. Nota autem in hac Rubrica docemur quod iura sunt ab aliquo cessa: ego iterum alteri cedere possum. nam sicut rem corporalem michi traditam uel donatam alii uendere uel donare possum sic ius et actionem. Igitur in hoc instrumento antonius [illegible] qui opportet quod per et cessionem factam ab andrea ipsi p. creditor credit [illegible] [illegible] et ipsum edardum in rem suam procuratorem constituit sicut ipse antonius in rem suam ab ipso andrea procurator fuerat constitutus. Nam iste est unus de tribus casibus in quibus procurator aliquis in

[illegible]

tocem [illegible] potuit [illegible] illi [illegible]

[illegible] confessionis [illegible]

eo quod phylippus tenebat [illegible]

Instrui[illegible] confessionis [illegible] nomine [illegible]

[illegible]

ab eo qui [illegible]

[illegible]

Queritur [illegible]

[illegible] creditores [illegible]

habeo creditores plures [illegible]

sempronius. Cum igitur [illegible]

ipsi Sempronio satisfacere [illegible]

me et bona mea [illegible]

[illegible]

[illegible] quia debitum [illegible]

[illegible]

[illegible] creditoribus [illegible]

[illegible]

[illegible] et emptio [illegible]

[illegible]

trāsactōib; et alijs mōis q̄ ab actōe trāsit

P

actum aliquid ... de transactionibus et ...

... possit fieri transactio ...

Transactio ... nullo pacto ... dicat

... tantum ... non potest ... fieri ...

transactio ... aliquid ... transactio ... transactio ...

... de transactione ...

... transactio fieri ... alimentorum que ... et debē ... ex ultima voluntate ... donatō ... mortis

... transactio non tenet

... per testamentum ...

... alimentis ... et ...

... transactio que fit super ...

... testamentum ... ipsius ...

... testamento ...

pot super ... ut ...

ultima ...

[illegible]

[illegible] intelligat. eo quod iens ad [illegible]

[illegible] et fecit ad [illegible]

[illegible] actio [illegible]

[illegible] Non debet [illegible]

[illegible] ut cum pro [illegible]

[illegible] gratia intelligere [illegible]

[illegible] non competit [illegible]

[illegible] quo possent [illegible]

[illegible] Consulo igitur tibi [illegible]

[illegible] sit absolute [illegible]

P[illegible] ne pet[illegible]

P[illegible] stipulatio diuisi est et eius effectus [illegible] si michi obligatus fuisti [illegible] siue re siue uerbis siue litteris et fecero tibi [illegible] tale [illegible] tollit [illegible] obligatio [illegible] lectio sanctis et uulnus cum fugit et cum [illegible] effectum [illegible] licet aliquem [illegible] obligationes [illegible] obligati [illegible]

[illegible] naturalis obliga[illegible] stipulato aquil[illegible]

A[illegible] est quidam uerus uerus cum illis [illegible] debitor ex [illegible] obligatum uerbis. Stipulatio que est inter ca[illegible] et sic in [illegible] stipulator [illegible] interrogationem et responsionem non sit in acceptilatione [illegible] illa interrogationis et responsionis quibus [illegible] qui primo stipulatione obligatus fuerat. [illegible] uerbis facta obligationem posse aliis uerbis dissolui. ut in instit. quibus modis re uel obli[illegible] Est autem acceptilatio et nichil magis tam naturale est quam unumquodque eo [illegible] dissolui quo ligatum est ut ff. de reg. iur. l. nichil. et [illegible] acceptilationis sollempnitas talis uerborum. ut uerbi gratia. Semp[ronius] debitor interroget [illegible] creditorem suum [illegible] quod ego tibi stipulatione promisi habes ne acceptum. et respondeat [illegible] habeo acceptum [illegible] acceptum [illegible] et sicut [illegible] solutione liberatur [illegible] ita hac acceptilatione [illegible] acceptilatio [illegible] imaginaria solutio. ut in [illegible] Est [illegible] acceptilatio. [illegible] notandum est quod acceptilatio nullas alias obligationes [illegible] tollit [illegible] obligatione que contrahitur re. ut ex mutuo commodato deposito uel pignore nulla stipulatione interueniente. uel [illegible] que contrahitur solo consensu. ut ex uenditione et locato societate uel mandato [illegible] obligatione [illegible] litteris [illegible] non possit [illegible] absolui [illegible] tur re. et ea que contrahitur consensu [illegible] Constat enim quod [illegible] posse [illegible] tollere uel mutare. ut in instit. de iure nat. [illegible]

[illegible] sicut dictum est. solum obl[illegible] tollit. et hinc est quod [illegible] quibus obligationum. uel aliqua [illegible] non possum [illegible] qui [illegible] modo [illegible] stipulatione que [illegible] michi debeatur ex obligatione [illegible] uerbis [illegible]

P[illegible] [illegible] obligationem [illegible]

[illegible]

[illegible] rer immobilium et mobilium
necnon [illegible] locatores et conductores et cetera
que in proemio continent.

[illegible] et nimis in quator [illegible]

[illegible] rerum mo. et immo. copulam [illegible]
[illegible] vel utilia [illegible] suo [illegible]
[illegible] rea [illegible] quo ad [illegible]
[illegible] ad usum simplicia [illegible]
[illegible] nomine [illegible]
[illegible] arte [illegible] frequenter se [illegible]
[illegible] sunt [illegible] notabile
[illegible] fratres qui non sola copulam rerum [illegible]
[illegible] rerum [illegible]
[illegible] fiunt [illegible] liber [illegible]
[illegible] ceterique [illegible] inferetur [illegible]
[illegible] elegantes optimas et utiles tabellas
[illegible] et radix
[illegible]
[illegible] mediantes [illegible]
[illegible] opinionem [illegible]
[illegible]
[illegible]
[illegible] sunt [illegible]
[illegible] vetera
[illegible] sunt
[illegible] ut ff.
[illegible] titulos [illegible]

[illegible]

[illegible] res immobiles [illegible]
[illegible] rerum [illegible]

[illegible] primum locant
[illegible] aut [illegible]
[illegible] rerum
[illegible] sunt ad [illegible]

[illegible]
[illegible]
[illegible]
notare [illegible]
[illegible]
[illegible] nobis [illegible]
[illegible]

Nō q Instrm consignatoris libri huius anno mcc scripte ō
[illegible] (· [illegible] nota [illegible] [illegible] Jul. v. die [illegible]
Instrm nō solute consignem [illegible] [illegible] [illegible]
[illegible] Jul. xj. die. nō Junii

Restauro
effettuato a cura ed a spese della
Soprintendenza Bibliografica
per il Veneto Orientale
e la Venezia Giulia
VENEZIA

RESTAVRO
DEL
LIBRO
BENEDETTINI
S. GIORGIO M.
VENEZIA

a. [illegible marginal gloss, several lines of small cursive] ... quos q̄ no potuit si no pudent fictos ... sunt prior forme sim prior morem m[illegible] ...

fuerint nō puīderint nec puīdere po
tuerint summos sagacitatis ppt̄ consue
tudinē puīitatē quia nichil potuit an
tiquitas ciuili docti [illegible] sunt inst̄a ut. C.
de testib. l. iubemus insi. ¶ Aliquā si
p uetē nr̄a pspicatiorē etas quia quo in
mores tn̄ pspicatiores sterens secū no
uos et sbtiliores mores. q̄ nā semp no uā
uas dignē edere formas ut. C. de uī int̄
e. l. ij. §. si quādiue. et omīa noua sunt
pulchritudine decorata. ut in phemio. ff. §. sc
aūt anno opotuit ut annulli illa antiq̄
forma nō tamq̄ iam [illegible] set quenīē osue
tudini nō coheret euanueē in sc̄ptis nunc
nibz nisi eptūs illa forma quā plenis nūntū
etas quā quidem ex antiquis traditionī
bus collig̃ nō poterant. cū ille muñs de
dictū ē fuit ualde diūse. Sextā que incip̄
ibi. ig̃ cū formā h̄ dicat cāz q̄ in diuīs mei mon̄
hecopiis confic̄ē. hec fuit in sbumo quorū
[illegible] amicor dicentiū formā qua uti
tur cibellones nō tp̄is scire nō possumus
n̄ post longā exacta et longā expientiā
diuisoz negocior. ¶ Uexerū si tu quīhic
formā diu exācuī ipsi nichil fere omī
si in q̄tibus incomptatū eam nob insp
tis [illegible] sbtico ad artis exacū transiremus
[illegible] rogamus quatenus p nobis ex abis
sequentib huic laborē asumas et sic
ap hoc dulcis et [illegible]
rie. Tertia que incipit ibi. Vez quia
ē. In hec tenacite supplicat̄ et [illegible]
correctionis huiū. i. qui corrig̃ sciuit et uo
luit ut ex caritate ac utilitate legentium
corrigat nō ex in [illegible] acule
um līē ex aīi illo [illegible] pro pungit āctorē
et liuidū reddit. nō ipā pessima liuor ap
pellat. h at uicū ualde occultū se cātag̃
et ē ualde [illegible] et ouenientū puidē

b. [illegible marginal gloss] ... Declaratio D. P. de [illegible]

te nom̄ imponit ut q̄ [illegible] fit p p̄
dentiā fieri uideat̄ ut h [illegible] inuenit̄ in
textu puidens enī nī dicā noū aliena cōi
gere. ¶ Quarta uō et ultima q̄ ē ibi. et
ex opusculum h̄ et c. librum optimum
in tractat simplicibz uel opusculū dulce
ac leue et p eis dictū p̄uni ē, fm aplin lac
debet exhiberi nō esca. nichilhominus et re
comendat̄ puectis quibus et si p doce simili
nō possit quā ē p̄ceo solidi cibus eis tn̄ po
terit nō obeē nā plerūq3 uī lactis dulce
dine delectat̄. ¶ Sic ergo lector sicca que
dā sc̄ prudent̄ attendis satis apte collig̃
potes que sit huī libri mat̄ia que inten
tio et q̄ utilitas siū finis cui parti phy
losophye supponat̄. quia huī mateīa sm
mast. illis cā et ipsius fundamentū ē ar
tis notaīe theorica et p̄tica. ¶ Inten
tio uō ē sp̄alis et ppia uidelicet ut mar
dinatis et defectiuas antiqui tp̄is for
mas abiciat et nouas et sbtiliores cra
tis nūc sup inducat et doceat. et hec colli
gi pōt in p̄ma pte phemij. ¶ Utilitas
sine finis [illegible] maḡ q̄m ad exactū art[illegible]
ta h libri cognicōe sbito p[illegible]uissit̄ ut sup
sa parte phemij dictū ē. ¶ Supponit̄
aūt eth[illegible] i. moralitati quia docet
quali moreis et uoluntates hoīum [illegible]
emēis sp̄aris disponīt̄. ¶ In ultīa
pte phemij dicat̄ q̄ opus istud p x. capitlā
partitū ē. [illegible] quia lib intendit artis no
talie [illegible] doctrinā [illegible] inuentū ē
que sc̄ illa in quibus [illegible]
[illegible] sicut oīa in prīa x. capitulis cō
tinentur. [illegible] ē q̄ [illegible] in quibus [illegible]
ista tota [illegible]
[illegible]
[illegible] plene tale [illegible]
[illegible] excellenti[illegible] et

Inches 1 2 3 4 5 6 7 8
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
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